	RELATED ADD REPORTS PROF	N'L ADDN'L OFFENSES PERTY LISTED IN NARR.	SAN DIEGO CRIME / INCII	REGIONA DENT REP	CDT I	10 E 0	ICIDENT NUMBER 3060000530 ASE NUMBER 3021570
PC FI	BEAT DISTRICT 614		06/01/2013		DAY OF WEEK Sat		TIME
M E	GODE SECTION AND DESCRIPTION PC / 245A2 / ASSAULT WI		IT				
	LOCATION OF INCIDENT (OR ADDI	RESS)			CITY San Dieg	0	
	V VICTIM'S NAME (LAST	, FIRST, MIDDLE / OR ORGANIZA	ATION)				
	W-TYPE RESIDENCE ADDRESS 06			CITY		STATE Z	IP .
V	RESIDENCE PHONE	RACE SEX DAT	E OF BIRTH ID TYPE	ID NUMBER	INTERPRE REQUIRED	TER N VIC	RELATION TO: CTIM / SUSPECT
CT	STATUS EMPLOYER (RANK IF MIL		BÜSIN	ESS PHONE	DAYS OFF	WORK HRS	S. V/W ASSIST
M	BUSINESS OR MILITARY ADDRESS			CITY	9	STATE ZIP	
/	ADDITIONAL INFORMATION (VICTI						
W	W	, FIRST, MIDDLE / OR ORGANIZA	ATION)			····	
TN	W-TYPE RESIDENCE ADDRESS	(0.00)		CITY	/		IIP
ESS	RESIDENCE PHONE			ID NUMBER	INTERPRE REQUIRED		RELATION TO: DTIM / SUSPECT A A
	STATUS EMPLOYER (RANK IF MIL BUSINESS OR MILITARY ADDRESS		BUSIN	ESS PHONE  OITY	DAYS OFF	WORK HRS	S. V/W ASSIST
	ADDITIONAL INFORMATION (VICTII		<b>E</b> \			IAIC ZIF	
	7.00THOTAL IN OTHER TONE (VIOLE	WI VEHICLE IN C. II 71 FEIGUSE			***************************************	·····	······································
	TOTAL # OF WITNESSES AT CRIME	PLAGE OF ATTA	ACK: 6. Other	: <u>N/A</u>			
	DESCRIPTION OF SURROUNDING /	AREA: 9. Other:	N/A	HOW USED:			
	handgun SPECIFY:			point HOW USED:			
	TYPE OF STRUCTURE	POINT OF ENTRY	SECURITY USED		SUSPECT ACTION	JO JO	
	N/A		0. N/A	17. FORCED VICTIN		40	
M. O.		0. N/A		MOYE			
I N F		0. N/A					
O R	TARGET(S)						-
M A T							! 
Z0-							
			· ·				
		TYPE LOCK AT	LVOKED	-			
		0. N/A	INVILLE				
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				**************************************			-
A	VICTIM INJURED: N	EXTENT OF TREATM	ENT:	SIC:		JLT	
A D M I N	VICTIM INJURED: N REPORTING OFFICER GUDOY DATE AND TIME OF REPORT	EXTENT OF TREATMI	ENT:	SIC:	NO, probably is: ADI DETECTIVE(S) ASSIGNED CASE STATUS   AGENCY	ULT I.D.#	DIVISION

PA	GE 2 OF 9													130215	
P	ITEM. ARTICLE NAM	E ST	OLEN-RECV'D		NTIFICATION NUMBERS		BRAND, MAKE OR MANUFACTURER		L NAME AND EL NUMBER	MISCELL	ANEOU	S DESCRIPTI	,		VALUE
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P E R	2								1,2 - 2,1 - 3,1						
T	3			ļ											
Y	ARRESTED SUSPECT	#1 (LAST	FIBST MI	DDLE					· · · · · · · · · · · · · · · · · · ·						
İ	N Cargnon			0041											
	NICKNAME/AKA							"ד מו	YPE ID NU	MBER					
	SUSPECT'S ADDRESS							CITY	,			S'	TATE	ZIP	· · · · · · · · · · · · · · · · · · ·
	PHONE		RACE	SEX	AGE	T	DQB		HT.	WT.		BUILD	HAIF		EYE GOLOF
	ADDITIONAL MICCOLIN	71/221 - 171	W	М	21		10/09/1991		- 5'11"	160 - 165		THI		BRO	HZL
	ADDITIONAL INFORMA	TION / FU	JRTHER SU	JSPECT	DESCRIPT	TON (I.E	E., GLASSES, TATTOOS	3. TEETH	BIRTHMARK	S, JEWELRY, SCAR	S, ETC.)				
s	SUSPECTS CLOTHING Shirtless	1													
SUSP	HAIR LGTH/TYPE	HAIF	RSTYLE	F	FACIAL HA	AIR	COMPLEXION	GI APP	ENERAL EARANCE	DEMEANOR	3	SPEEC	Н		VOICE
ECT	0.UNKNOWN	11. OTF	HER	0.	UNKNOWN	٧	0. UNKNOWN	Q. UN	KNOWN	0. UNKNOWN	(	), UNKNOWI	٧	o. UN	KNOWN
(\$)	6. OTHER														
	0.UNKNOWN	0.UNKI	40WN	_   _											
	SUSPECT YEAR		M	AKE			MODEL	1	COLO	R/COLOR		ГҮРЕ	LICENS	SE NO.	LIC STATE
	ADDITIONAL VEHICLE	DENTIFIE	ERS (DAMA	GE, CH	ROME WHI	EELS, E	TC.)			VIN		EHICLE IMPO	UND I	TOWING	G COMPANY
					·		<del></del>			**************************************					
E	OBTAINED 0. NOT	VE													
Ž	See Investigative	hrabh	um for D	ataile											
Ď	TAG NOS.	, adorid	uni toi p	- CANO							Ţ.	ADDN'L PERS	SONS L	ISTEDWI	TNESS CHEC
	IDDITIONAL OPERAGE	~		T-ide-u-		<del></del>	·			*****		N			Υ
	ADDITIONAL OFFENSE	8:													
	HEADINGS: CRIME DES	SCRIPTIO DAMAGE	N; VICTIM(	S) STAT	rement; o	FFICER	'S STATEMENT / INVES	STIGATIO	N; EVIDENCE	/DISPOSITION; WITI	NESS ST	ATEMENT/ W	VITNES	S CHECK	.S;
N													-		
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E															
[		<del>'h</del>				М	umber Officers			<u> </u>		The second secon		***************************************	**************************************
	officer ass	sault:		OAI	< ZZ				0		Activit	y when as	sault d	occurec	l:
						N W	umber Officers ithout personal inju	ury	0						
A	ARSON TYPE:									<u> </u>	<del>~~~, ,</del>				
000	DESCRIPTION														
N						CONTE	INT LOSS \$	.00	STRUCT LO	SS\$	.00 /	BANDON	N.	CONTINU	JED Y

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# SAN DIEGO REGIONAL ADDITIONAL VICTIMS AND/OR WITNESSES AND OTHER PEOPLE ASSOCIATED WITH THE CRIME PAGE

,		AN	ID OTH	IER P	EOPLE A	SSOCI	ATED WI	TH THE CRI	ME [	PAGE		CASE NUM	
LOCATIO	ON OF INCIDENT (OR ADDR	ESS)								3 OF	, a	130	21570
ÇITY						BE	AT	DISTRICT					·
San Di			**********	-		61					nas frança de que sano		
w	VICTIM'S NAME (LAST,	FIRST, MID	DLE / QR C	)RGANIZ/	ATION)								
W-TYPE 06	RESIDENCE ADDRESS							CITY			ST	ATE ZIP	
	IGE PHONE	RACE	SEX	DAT	E OF BIRTH	ID TYP	E ID NUMBER	}		INTERPRE	TERI	REL	ATION TO: M/SUSPECT
STATUS	EMPLOYER (RANK IF MILI	TARY)				В	JSINESS PHONE	· · · · · · · · · · · · · · · · · · ·	DA	REQUIRED YS OFF		RK HRS.	V/W ASSIST
					***								N
BUSINES	S OR MILITARY ADDRESS							CITY			S1	ATE ZIP	
ADDITIO	NAL INFORMATION (VICTIA	VEHICLE I	NFO. IF AF	PPLICABL	E)			· · · · · · · · · · · · · · · · · · ·		*****			
	VICTIM'S NAME (LAST,	FIRST, MID	DLE / OR C	DRGANIZ/	ATION)				al e-lincoptrit Versamen				COPPER O STREET, NO. 100 (1970 - 1970 - 1970 - 1970 - 1970 - 1970 - 1970 - 1970 - 1970 - 1970 - 1970 - 1970 -
W-TYPE	RESIDENCE ADDRESS							CITY			91	ATE ZIP	
06				1			<del></del>						
RESIDEN	ICE PHONE	RAÇE	SEX	DAT	E OF BIRTH	ID TYP	E ID NUMBER	<b>1</b>		INTERPRET		VICTIN	ATION TO: 1/SUSPECT
STATUS	EMPLOYER (RANK IF MILI	TARY)		······································		Bu	ISINESS PHONE		DA	YS OFF	wo	RK HAS.	V/W ASSIST
BUSINES	S OR MILITARY ADDRESS							CITY			ST	ATE ZIP	<u> N</u>
ADDITIQ	VAL INFORMATION (VICTIN	VEHICLE I	NFO. IF AF	PLICABL	E)								
	MCTIBLE MARIE () ACY	PRODUCT AND	DIE (DE e	NEVA & MEZ	22051	(4-14-14-14-14-14-14-14-14-14-14-14-14-14		<del></del>		7(0 <del>447)</del> 77 <del>114 (1747)</del>	******		
	VICTIM'S NAME (LAST,	FIRST, MID	DLE / OR C	JHGANIZA	AHON)								
W-TYPE	RESIDENCE ADDRESS							CITY			ST	ATE ZIP	
RESIDEN	CE PHONE	RACE	SEX	DAT	E OF BIRTH	ID TYP	E ID NUMBER	l		INTERPRE		1 VICTIN	ATION TO: 1/ SUSPECT
STATUS	EMPLOYER (RANK IF MILE	TARY)	<u> </u>	<u> </u>		BU	  SINESS PHONE		DA	REQUIRED YS OFF		J RK HRS.	V/W ASSIST
BUSINES	S OR MILITARY ADDRESS							CITY			QT	ATE ZIP	
		1 . less . 1 en 1 en 1						<b></b>					
ADDITIO	NAL INFORMATION (VICTIM	VEHICLE I	NFO. IF AP	PLICABL	Ξ)								
	VICTIM'S NAME (LAST,	FIRST, MID	DLE / OR C	PRGANIZ/	ATION)				CM1 (VESTOR )	**************************************		********	Allen (Allen Allen and Allen A
W-TYPE	RESIDENCE ADDRESS				*****			CITY			ST	ATE ZIP	
RESIDEN	GE PHONE	RAÇE	SEX	DAT	E OF BIRTH	ID TYP	E ID NUMBER			INTERPRET	rep	RELA	ATION TO:
orari io	EMPLOYER (RANK IF MILI	TA 55.7								REQUIRED	<u>. L</u>	ᆀ	ATION TO: 1/ SUSPECT
aikius	EMPLOTER (RANK IF WILL	IARY)				BU	ISINESS PHONE		DA	YS OFF	wo	RK HRS.	V/W ASSIST
BUSINES	S OR MILITARY ADDRESS		,					CITY			ST	ATE ZIP	-1
ADDITION	VAL INFORMATION (VICTIM	VEHICLE I	NFO. IF AP	PLICABLI	Ξ)						***************************************		
-	VICTIM'S NAME (LAST.	FIRST, MID	DLE / OR C	RGANIZA	TION)		·		**************	V-1000	***************************************	**************	
W. TVDE	RESIDENCE ADDRESS							27 PTC /				a shalos sabilists	
W-171 C	NEGROENOL ADDITEGS							CITY			\$1.	ATE ZIP	
RESIDEN	CE PHONE	RACE	SEX	DAT	É OF BIRTH	ID TYPI	E ID NUMBER			INTERPRET	ren	REL/ VIÇTIM	ATION TO: L/ SUSPECT
STATUS	EMPLOYER (RANK IF MILI	TARY)	L			BU	SINESS PHONE		DA	YS OFF	WO	RK HRS.	V/W ASSIST
BUSINES	S OR MILITARY ADDRESS							CITY			ST.	ATE ZIP	
ADDITION	NAL INFORMATION (VICTIV	VEHIC! E	NEO IE AD	PEICARI	=1								
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reporti Gudo'	NG OFFICER				l.D. 6301		DATE						

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ı	INVESTIGAT	TION A	ADDE	NDUM REPO	ORT			INCIDENT NUMBER 13060000530		
CONTINUED FROM CRIME REPORT		PAGE 4 OF						CASE NUMBER		
GODE SECTION AND DESCRIPTION PC / 245A2 / ASSAULT WIT							01 9 1	10021070		
LOCATION OF INCIDENT (OR ADDR										
CITY		а	ATE		DAY OF	WEEK	TIME	· T	BEAT	
San Diego		,	6/01/201	3	Sat		09:1		614	
PERSON(S) INVOLVED: VICTIM	Ī									
suspect (if NAMED) Cargnon, Glacomo										
PROPERTY TAG NO(S)										
	tempts to locate, collect and pres			OLLECTION  The crime scene	at					
I made an effort to locate pl	hysical evidence YES									
LATENT PRINTS:  If YES, what areas were pri	nted with what reculte:								-	
ir 120, what areas were pri	Location			# of Prints Lifted			Dispos	sition		
NONE FOUND										
					_				en commence	
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REPORTING OFFICER GUDOY		1.D.# 6301	DIVISION W1					ATE OF REPORT 6/01/2013	TIME 10:27	

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		PAGE	13060000530 CASE 1470
OTHER PHYSICAL EVIDENCE: I made other attempts to locate physical evidence at the scene.		5 OF 9	13021570
If NO, explain:			
I recovered evidence listed in the spaces below (Include photographs also):  Item Description	By Whom		
How Marked	Disposition		-
Location Found:			/#II - 1117 - 11
Tag Number:			
Item Description	By Whom		
How Marked	Disposition		
Location Found:			
Tag Number:			
Item Description	By Whom		
How Marked	Disposition		
Location Found:			
Tag Number:			· · · · · · · · · · · · · · · · · · ·
Item Description	By Whom		
How Marked	Disposition		
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Item Description	By Whom		
How Marked	Disposition		
Location Found:			
Tag Number:			
Item Description	By Whom		
How Marked	Disposition		
Location Found:			

Tag Number:

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Continued From: CRIME						Incident Number 13060000530			
Page 6 of g		·····				Case Number 13021570			
Code Section And Description ( PC / 245A2 / ASSAULT WITH D	one incident only)	) N WIT	······································	Date 6/1/2013		Day of Week Sat	Time 09:12	<del> </del>	
Location Of Incident (Or Addres				1 3 112010	City		District	Beat	
Person(s) Involved: Victim					San Diego	l		614	
Suspect (If Named)	3			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	<del></del>	···			
Cargnon , Giacom Property Tag No.(s)	10						· · · · · · · · · · · · · · · · · · ·		
Property Tag No.(s)									
shoved the gun towar turned to w gun made contact wit drove off from the sce	arding proport. During the Cargnoni's helphicle parke itially Cargnord alk away and	erty that whe scuffle, nand. Carged in the alloni points oni turned body to defend Cargno	vas taken from Cargnoni procegnoni ran out	in the luced a box cutt f the apartment ced a dark color	e past. The er. and ed handgatened to hade contoack of	manago ran af jun from the shoot hims Shoot hims tact with n	n escala ed to kn ter him. e passer self if Cargnon eck. The	ated lock nger i e	
ORIGIN:									
On 06-01-13, at approat that location with a	oximately 09 handgun.	912 hours	, I responded t reporte	o ed the incident a	nd called		rding a ations.	male	
<b>INVESTIGATION:</b>									
While in route to the s Volkswagen and drivi The	ng northbou	und on Su	nset Cliffs Bou		scene loc	cated at			
Upon arrival at the sc briefly told me that a r back of his head durir	male acquai	intance w	ho he verbally	identified as "Gi		ointed a ha	ndgun t	o the	
	ad property			n four different o luding a debit ca				ıly as	
This morning, believes the confronted Giacomo rangument ensued	at Giacomo regarding hi	may have m being t	e let himself in t here and regar	is room and asl through an unlood ding property ta bedroom floor. E	cked fron ken from	t door. his home ir	the pa		
Reporting Officer GUDOY		ID # 6301	Division W1	Approved By	<del>19 97 - 10 - 10 - 10 - 10 - 10 - 10 - 10 - 1</del>	Date of Repo	ort Time		
		0001	111		T/742-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1		ontinue		

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Continued From: CRIME	San Diego Regio Officer's Report Nar		Incident Number 13060000530		onio sapigo negrega per est	
Page 7 of g		· · · · · · · · · · · · · · · · · · ·		Case Number 13021570		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Code Section And Description ( PC / 245A2 / ASSAULT WITH I	one incident only) DEADLY WEAPON WIT	Date 6/1/2013		Day of Week Sat	Time 09:12	
Location Of Incident (Or Address	ss)		City San Dieg		District	Beat 614
Person(s) Involved: Victim	, Brendan Michael		- Currising		1	T
Suspect (If Named)						
Cargnon , Giacon Property Tag No.(s)	10	- <del> </del>				
produced a box cutte of Giacomo's hand.	r. wrestled with him on the floor	and manag	jed to k	nock the box	cutter	out
Boulevard and vehicle parked in the with a handgun. He parked the gun to the pointed the gun to the	alley. Giacomo jumped into the front passociated the gun at several times to push him away.  be back of several times to push him away.  got into his vehicle and drove off northbo	after, senger side away. Giac turned ving the barr	sav of this como sh d to wa rel end	v Giacomo w vehicle and o noved the ba lk away and of the gun in	ralking to tame ou the contraction of the contracti	ut d of no ack
an	ne incident that took place outside of the a	apartment. T	hey we	along with a ere later iden ke to them a	tified as	3
told me he was inside apartment and witness	r statement, a male later identified as this apartment (Unit # when he heard seed the altercation between the heard redetails see below statement).			approached ide. He cam lley. I obtain	e out of	
There were no other	witnesses at the scene. I provided	with the	case ni	umber for the	e incide	nt.
and took photographs	d Peregrina arrived onscene and assisted a and recovered the t-shirt left behind by C ports for further details.	I with the pro Glacomo. S	ocessir ee Offic	g of the crim cers Campbe	ie scen ell and	е
Detective Navarro-Mowitnesses.	oran from Homicide arrived onscene and i	interviewed	the rep	orting party a	and	
BACKGROUND:						
None.						

Statement of (Victim):

**STATEMENTS:** 

Statement Of	/ v	<u> 16 (111).</u>				
Reporting Officer GUDOY	ID # 6301	Division W1	Approved By	Date of Report 6/1/2013	Time 10:27	

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Continued From: CRIME	San Diego Regional Officer's Report Narrative				Incident Number 13060000530		
Page 8 of 9			Annual Control of the		ase Number 3021570	***************************************	
Code Section And Description (one incident only PC / 245A2 / ASSAULT WITH DEADLY WEAPO		Date 6/1/2013	Da Sa		Time 09:12		
Location Of Incident (Or Address)		0.112010	City San Diego		District	Beat 614	
Person(s) Involved: Victim				San Diego			014
Suspect (If Named)	Michael				**************************************		
Cargnon , Giacomo Property Tag No.(s)			**************************************				
Troporty rag wo.(s)						····	
'Giacomo' has visited my a and he was no longer welch including a debit card. I do night so he may have let he beside my bed. I jumped of stuff from me. We scuffled in his hand. I was holding I hand with the box cutter do ran. I ran after him and held chased him but he ran a betoward the alley behind my into the front passenger side the gun at me and kept tell and pushed me with it. I tu neck. I felt the tip of the gumid-size handgun and dark	apartment comed becomed becomed in. I was a limited in the flook down on the lock down y apartmend de of the color.	approximately focuse I believe how he got in or But this morning ause he was no or and he took on the floor and shirt. His shirt I walked back on the walked to car. He came ou go away. Severalk away and the leck. He got in he	ne took some p who let him in. g, I woke up an t allowed in my but a box cutter on top of him a ed to knock it or came off as I w to my apartmer his car that wa t and he had a al times he sho at's when he sho is car and drov	roperty fro I left the from d found his apartment. He was hand at the as pulling at and saw as parked in handgun in oved the good oved oved oved oved oved oved oved o	m my apartront door unless and he too nolding the band and he cand and he cand the and the alley and the alley and toward mand toward mand appeare gun appeare	nent ockec the fl k som ox cu olding to tup to out. to back and jur He po to bod tock of	d last loor ne tter g the and l mped inted y my
andesser	many told	me the following	<b>).</b>				
We were just walking back to the apartment when we saw grunning out of the apartment after Giacomo. Came back and we also saw Giacomo walking back. Saw Giacomo walking toward his car and chased after him. We did not see where he got the gun but Giacomo was holding a gun to his (Came) neck. We were telling just to walk away from him. They were standing very close together maybe two feet away from each other when he pointed the gun. The gun was dark colored and medium size.							
Statement of		(Witness):					
essentially told	me the fol	lowing:					
I was inside my apartment			reaming "Mothe				w
him arguing with Giacomo Reporting Officer GUDOY	In the mic   ID #   6301	Division W1	Approved By	aiter nim a	nd they both Date of Report 6/1/2013	Time 10:2	

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Centinued From: CRIME	San Did Officer's F	Incident Number 13060000530	ər		
Page 9 of 9			Case Number 13021570		
Code Section And Description ( PC / 245A2 / ASSAULT WITH (	one incident only) DEADLY WEAPON WIT	Date 6/1/2013	Day of Week Sat	Time 09:12	
Location Of Incident (Or Addres	SS)		City San Diego	District	Beat 614
Person(s) Involved: Victim	, Brendan Michael		:		
Suspect (if Named) Cargnon , Giacon	10				
Property Tag No.(s)			444		Marine - extra en
eventually mad pointing the gu himself. him to back aw	e it into the alley. Giacomo wento his neck and he kept tell told him, "I'm gonna get yay. walked away ar	ing to go away	or he was going to inted the gun at	shoot	tolo
EVIDENCE:					
None.					
INJURIES:					
None.					
PROPERTY DAMAG	<u>GE:</u>				
None.					
FOLLOW-UP:					
Per Detectives.					
RELATED REPORT	<u>s:</u>				
Officer D. Campbell / Officer E. Peregrina /		·			
Approved By: A/Sgt.	Tagaban				

Reporting Officer	ID#	Division	Approved By	Date of Report	Time	
GUDOY	6301	W1	, , ,	6/1/2013	10:27	

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0		EGO REGIONAL   13060000530   CASE NUMBER   1 OF 5   13021594						
, C. R I	BEAT DISTRICT 123 06/01/20	DATE DAY OF WEEK TIME						
ME	123   06/01/20   CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY)	13 - Sat 09:22 -						
	ZZ / 981000 / MISCELLANEOUS INCIDENTS LOGATION OF INCIDENT (OR ADDRESS)	CUL						
	100 SEA WORLD DR	San Diego						
V VICTIM'S NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION)  Butera, Richard Frank								
	W-TYPE RESIDENCE ADDRESS 16 5215 GAINES ST	CITY STATE ZIP						
·	RESIDENCE PHONE RACE SEX DATE OF BIRTH ID TO	San Diego Ca 92110  YPE ID NUMBER INTERPRETER N PROVISER N VICTIM / SUSPECT						
Y	STATUS EMPLOYER (RANK IF MILITARY)	D 3070   REQUIRED [N]						
C T	E San Diego Police Dept.	BUSINESS PHONE DAYS OFF WORK HRS. V/W ASSIST VARY VARY						
l M	BUSINESS OR MILITARY ADDRESS 5215 GAINES ST	CITY STATE ZIP San Diego Ca 92110						
	ADDITIONAL INFORMATION (VICTIM VEHICLE INFO. IF APPLICABLE)	on out to						
/	VICTIM'S NAME (LAST, FIRST, MIDDLE / OR ORGANIZATION)							
W	W-TYPE RESIDENCE ADDRESS	CITY STATE ZIP						
T N								
NES	RESIDENCE PHONE RACE SEX DATE OF BIRTH ID TO	YPE ID NUMBER INTERPRETER RELATION TO: VICTIM / SUSPECT						
S	STATUS EMPLOYER (RANK IF MILITARY)	BUSINESS PHONE DAYS OFF WORK HRS. V/W ASSIST						
	BUSINESS OR MILITARY ADDRESS	CITY STATE ZIP						
	ADDITIONAL INFORMATION (VICTIM VEHICLE INFO. IF APPLICABLE)							
_	,							
	TOTAL # OF WITNESSES AT CRIME: 0 PLACE OF ATTACK: 3. Stree	t/Alley						
	DESCRIPTION OF SURROUNDING AREA: 9. Other: Two Lane Highwa	ay						
	W SPECIFY: knife	HOW USED: threat						
	W SPECIFY: gun	HOW USED: threat						
	TYPE OF STRUCTURE POINT OF ENTRY SECURITY USED							
	Non-Residential 0. N/A 0. N/A	56. USED THREATS						
М. О.	0. N/A							
I N	0. N/A							
F	U. NA							
O R M	TARGET(S)							
A	5. PERSON							
O N								
	TYPE LOCK ATTACKED							
	O. N/A							
	3.1							
_	MICTIM IN RIDED. THE STEELT OF TOTAL THE ST							
A	VICTIM INJURED: N EXTENT OF TREATMENT: REPORTING OFFICER I.D.# DIVISION	SIC: NO, probably is: ADULT    DETECTIVE(S) ASSIGNED   I.D.#   DIVISION						
4.6	DEL TORO 4754 INV_HOMICIDE							
Ň	DATE AND TIME OF REPORT  DATE: 06/03/2013 TIME: 07:25	CASE STATUS   AGENCY   CRIME TYPE						
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INCIDENT NUMBER

PAC	3E 2 OF 5										CASE 1302	NUMBER .
Р	ITEM. ARTICLE NAMI	STOLEN RECV	IDENTIFICATI		BRAND, MAKE OR		NAME AND	4	MISCELLANEO	US DESCRIPTION	1302	VALUE
R	NO.	HECV	D NUMBERS	5	MANUFACTURER	MODI	EL NUMBER	1				
ROPERTY	2											
R	3											
	ARRESTED SUSPECT	#1 /I ACT EIDET A	IDDIES									
	N Cargnon	i, Giacomo Jar										
	NICKNAME/AKA					ID TY	PE ID NUI	MBER				
	SUSPECT'S ADDRESS					CITY	,			STATI	ZIP	
'	PHONE	RACE	SEX AGE	I	DOB		·IT.	WT.		1		OR EYE COLOR
	ADDITIONAL INFORMA	W TION / FURTHER 5	M 21 SUSPECT DESCRIP		10/09/1991 GLASSES, TATTOO	5'1 S. TEETH.		160 s, Jewelr	'  Y, SCARS, ETC	THI	BRO	HZL
	SUSPECT'S CLOTHING											
	black sweatpants											
S				· · · · · · · · · · · · · · · · · · ·		1			· · · ·		T	
S	HAIR LGTH/TYPE	HAIR STYLE	FACIAL F	IAIR	COMPLEXION	APP	NERAL EARANCE	DEM	IEANOR	SPEECH		VOICE
SPECT	5. SHORT	9. WAVY/GURL\	9. UNSHAVI	EN	4. LIGHT			5. IRRA	TIONAL	0. UNKNOWN	0. (	INKNOWN
(S)	2. FINE											
						10. QT	HER		,			
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	SUSPECT YEAR VEHICLE 2012	VOLKS	MAKE		MODEL JETTA			R/COLOR	950/	TYPE LIC	ENSE NO	LIC STATE CA
	ADDITIONAL VEHICLE	IDENTIFIERS (DAN					GRAT	VII		VEHICLE IMPOUN		NG COMPANY
	impounded as evid	dence			· · · · · · · · · · · · · · · · · · ·					Y	RO	DAD ONE
E	EVIDENCE OBTAINED 9. OTHER shotgun casings, wea											
Ιĭ	See Investigative	Addendum for	Details									
D	TAG NOS. 1306000530									ADDN'L PERSON	S LISTED	WITNESS CHECK
	ADDITIONAL OFFENSE	\$:						·				
	HEADINGS, GOVERNO	DODIOTION LACTI	UOLOTATELETIT.	ornorn	OTATES IN INCIDENT	OTIOATIO	N. EUREUAE	MODOUT	ON MITTER	CATE A TELES ACTA MON LARVED	IEOD OLIF	OVA.
ĺ	HEADINGS: CRIME DE INJURIES / PROPERTY	DAMAGE	M(S) STATEMENT;	OFFIGERS	SSIATEMENT/INVE	:STIGATIO	N; EVIDENGE	/DISPOSITI	ON; WITNESS	STATEMENT/WITH	IESS CHE	CKS:
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	officer ass	sault:	OAK ZZ	Nu	ımber Officers		0		Acti	vity when assau	ılt occui	red:
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A	ADDOM TVDD			· VVI	mour bersonal in	ijur y					············	
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	INVESTIGA <sup>*</sup>	TION	ADDE	NDUM REP	ORT		INCIDE 13060	NT NUMBER 1000530
ONTINUED FROM RIME REPORT						PAGE 3 C		VUMBER
DDE SECTION AND DESCRIPTION (ONE INCII Z / 981000 / MISCELLANEOUS INC								
OGATION OF INCIDENT (OR ADDRESS)  DO SEA WORLD DR			1111					
TY an Diego		I .	DATE D6/01/201	3	DAY OF V	VEEK	TIME 09:22	123
ERSON(S) INVOLVED: VICTIM utera, Richard Frank							00,122	The
JSPECT (IF NAMED) argnoni, Glacomo James					ŧ.			
ROPERTY TAG NO(S) 306000530								
		EVIDE	NCE C	OLLECTION	4.4			
officer's Investigation: conducted the following attempts to 00 SEA WORLD, San Diego	locate, collect and pres	serve evic	dence fro	m the crime scene	at			
made an effort to locate physical evi	idence YES			•				
f YES, what areas were printed with Locatio				# of Prints Lifted			Disposition	
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PORTING OFFICER		I.D.# 4754	DIVISION INV_HO				DATE OF F	
LL TORO		7/04	TIMA THO	MODE			06/03/20	13 07:2

DEL TORO

	INCIDENT NUMBER
	13060000530
PAGE	CASE NUMBER
4 OF 5	13021594

	OTHER PHYSICAL EVIDENCE:								
I made other attempts to locate physical evidence at the scene. NO									
If NO, explain:									
I recovered evidence Item Description	e listed in the spaces below (Include photographs also):	0.144							
shotgun casings,	weapons, phot	By Whom 5869							
How Marked	Tought it, prior	Disposition							
date,time, locatio	n, name	Impounded							
Location Found:	in and around vehicle								
Tag Number:	1306000530								
Item Description		By Whom							
How Marked	·	Disposition							
Location Found:									
Tag Number:									
Item Description		By Whom							
How Marked		Disposition							
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Item Description		By Whom							
How Marked		Disposition							
Location Found:									
Tag Number:									

Continued From: CRIME		San Diego Regior Officer's Report Nam			Incident Number 13060000530		-
Page 5 of 5					Case Number 13021594		
Code Section And Description (one ZZ / 981000 / MISCELLANEOUS I			Date 6/1/2013		Day of Week Sat -	Time 09:22	
Location Of Incident (Or Address) 100 SEA WORLD DR				City San Diego	)	District	Beat 123
	Richard	Frank	and an analysis				
Suspect (If Named) Cargnoni , Giacomo	James						
Property Tag No.(s) 1306000530							

## SYNOPSIS:

Giacomo CARGNONI threatened with a gun at per specific pe

Homicide Team 5 was assigned the incident for investigation. For complete details of the case, see the Homicide Team 5 investigative binder.

Reporting Officer	ID #	Division	Approved By	Date of Report	Time
DEL TORO	4754	INV_HOMICIDE		6/3/2013	07:25

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## San Diego Police Department: Case Cancellation

Type of Crime/Incident	981000 ZZ			
Case #	13021594	Victim	Butera, Richar	d Frank
Case Part of Series (Leave blank if no series)		Occurrence Date	06/01/2013	
Type of Cancellation Disposition Charge Level	Exceptional: Otl	ner (such as subject is	s dead)	Additional Arrests
Persons Arrested Last	First	Middle	Date	Booking Number
Detective Arrest	Patrol Arrest	: [_]	Charged	Not Charged X
Property Recovered				
Partial	Value Reco	vered		
Full X Was	s ARJIS-4 Comple	ted Yes	No X	
Investigator: 4754 -Del Toro, Manue	<b>Date</b> el 04/03/2014	<b>Approv</b> 5170 - I	<b>red By:</b> Hastings, Michae	<b>Date</b> el 04/08/2014
<u>List Additional Cases</u> 13-021595	to Be Cancelled:			
Narrative:				
a threatening manner. inviting officers to shoo	CARGNONI used t t him. CARGNONI Officer BUTERA wa	he knife in a manner o had also expressed a as not injured in the in	consistent with has desire to comm	I pointed a knife at officers in ow a gun is used as if he was it suicide to his friends within an Diego District Attorney has

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## SAN DIEGO POLICE DEPARTMENT FORENSIC SCIENCE SECTION



### FORENSIC BIOLOGY UNIT LABORATORY REPORT

VICTIM:

BUTERA, Richard, ID #5876

SUSPECT:

CARGNONI, Giacomo

**CHARGE:** 

245 PC

CASE #:

13-021594

INCIDENT#:

13060000530

**HOMICIDE:** 

Detective C. Leahy, ID #5869

CRIMINALIST:

David Cornacchia

DATE OF REPORT:

September 3, 2013

#### EVIDENCE EXAMINED

## Barcode #

10238968 One

One (1) swab from the blade of the knife (10233622).

This swab was consumed for DNA analysis.

10238970

One (1) swab from the handle of the knife (10233622).

This swab was consumed for DNA analysis.

10238971

One (1) swab from the textured areas of the handgun (10233630).

This swab was consumed for DNA analysis.

10238972

One (1) swab from the entire surface of the handgun (10233630).

This swab was consumed for DNA analysis.

10238973

One (1) swab from the entire surface of the magazine (10233630).

This swab was consumed for DNA analysis.

10233649

Two (2) reference mouth swabs obtained from Giacomo Cargnoni.

A portion of one swab was extracted for DNA analysis.

### SUMMARY OF ANALYTICAL PROCEDURES

- 1. Qiagen BioRobot EZ1 magnetic bead based DNA purification.
- 2. Quantitative PCR using Applied Biosystems' Quantifiler Duo kit.
- 3. PCR DNA amplification using Applied Biosystems' Identifiler Plus kit.
- 4. Capillary electrophoresis and analysis of amplified DNA using the ABI 3130 Genetic Analyzer.

## **RESULTS**

See attached Table 1 for DNA typing results.

FORENSIC BIOLOGY UNIT Case #13-021594 September 3, 2013 Page 2 of 3

#### CONCLUSIONS

1. Mixtures of DNA from three or more individuals were obtained from the swab of the handle of the knife (10238970), and both of the swabs from the handgun (10238971 and 10238972). The predominant DNA profile in these mixtures matches the DNA obtained from Giacomo Cargnoni. The approximate probabilities of selecting an individual, at random, that matches this DNA profile are expressed in the following table:

Population Group	Probability
Caucasian	1 in 8.7 quintillion
African American	1 in 250 quintillion
Hispanic	1 in 16 quintillion

Due to the number of possible low level contributors to this mixture, the minor types are unsuitable for comparisons or for searching in the databases of the Combined DNA Index System (CODIS).

DNA profile frequency calculations were generated using population data taken from the Journal of Forensic Sciences 1999, 44(6), 1277-1286. The data for the D2S1338 and D19S433 loci was taken from Forensic Science Communications 2001, 3(3).

- 2. A mixture of DNA from three or more individuals was obtained from the swab of the knife blade (10238968). Giacomo Cargnoni is included as a possible major contributor to this mixture. Due to the number of possible low level contributors to this mixture, the minor types are unsuitable for comparisons or for searching in CODIS.
- 3. A low level mixture of DNA from two or more individuals was obtained from the swab of the magazine (10238973). Due to the number of possible low level contributors to this mixture, the results are unsuitable for comparisons or for searching in CODIS.

#### DISPOSITION OF EVIDENCE

All items were returned to the Property Room. Remaining extracted DNA was impounded on Barcode #10264331.

David Cornacchia ID# 8815 Criminalist September 3, 2013

FORENSIC BIOLOGY UNIT Case #13-021594 September 3, 2013 Page 3 of 3

Table 1 - DNA Typing Results

_			<del>_</del>				7	Androis was commission													-	
FGA	19,21*,	23	****	19*, 25*			19*, 23*	,	3	19, 23	[21]*,	[24]*		19*,	25*, 24*			19, 23				_
D5S818	11, 12,	5	11 13	11, 13			9*, 11,	12*, 13	:	11, 13	*[12]*			11, 13*			,	11,15				
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D18S51	Ί		ř	<u>+</u>			14		-	<del>†</del>				<u>+</u>				4				_
TPOX	8*, II,	71	*8	· <del>*</del>	12,		8*, 11,	12*	2	11, 12	<u>.</u> [o]		*0	·^ *	. * .	. 71	2	71,17				
vWA	15,	18* 19	2	16. *31	\r \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		14*,	15, 19	15 10	12, 17	. 101.	. [ ]	15*	1,4	2,*2	, * 	15 10	15, 15				_
D19S433	13, 14		13 14	15,17			13, 14	[12] <sub>*</sub>	13 17	15, 14	[[[		13 14	15, 14,	3		13 14	t. (?	-			
D2S1338	16*, 17,	10, 23	17 18*	2			17, 18*		17.18	17, 16			17* 18*	. S. C. 7	1		17 18	2, ,				
D16S539	11			(			1	<u>*</u>	,				-	•			11	:	٠			
D13S317	11, 12		11, 12		-		11, 12	10]*	11. 12				11 12	*[8]	2		11 12	1				
TH01	7,8	Ξ	7.8	, 10,	[9.3]*	- 1	7, s		7.8	<u>*</u> [9]	[9.3]*		7.8*	9.3*			2 8					
D3S1358	15, 16, 18		15*, 16,	. 82	174,	181	16, 17*,	18 [15]*	16, 18	[14]*	1151.	,161j	15* 16	17*, 18			16, 18					
CSF1PO	10, 12, 13*	}	10*, 11*,	12		0.	10, 12		10, 12	*[]]	:		10*, 11*	12*		*****	10, 12	1	eV Hoden	<del></del>	-08	,
D7S820	8, 10		10	il-markén	,	-	2		10	[12]*	,		10, 11*				01				74.447	
D21S11	29, 30, 30.2, 32.2	[31.2]*	29, 30*,	32.2		200 22 2	23, 32.2		29, 32.2	[30]*	[33.2]*		29*,31*,	32.2			29, 32.2					
D8S1179	10, 13, 14		10, 14	[12]*,	[13]*,	10 14	10, 14	13,	10, 14	[12]*,	[13]	[16]*	10, 13*,	4	anden a		10,14	· California				
Description	Swab from the	blade of the knife	10238970	Swab from the	handle of the	10038001	Swah of textured	area of handgun	10238972	Swab from entire	surface of the	handgun	10238973	Swab from entire	surface of	magazine	10233649	Reference	sample:	Giacomo	Cargnoni	

[ ] = allele likely from a minor contributor

<sup>\* =</sup> allele that was detected in the stochastic range

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INVE	STIGATIO	NA	DDEND	UM REPO	ORT		INCIDENT NUM 1306000053	BER 0
CONTINUED FROM CRIME REPORT						PAGE 3 OF 5	CASE NUMBER	
CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY) PC / 245A2 / ASSAULT WITH DEADLY WEAPON	! \\/!T					,		
LOCATION OF INCIDENT (OR ADDRESS)  100 SEA WORLD DR	N YVII							
CITY San Diego			TE 5/01/2013		DAY OF	1	TIME 09:22	BEAT 123
PERSON(S) INVOLVED: VICTIM			70172013	<del></del> _	Sat		08.22	120
Butera, Richard Frank SUSPECT (IF NAMED)		-						
Cargnoni, Glacomo James								
PROPERTY TAG NO(S) 1306000530								
Officer's Investigation: I conducted the following attempts to locate, collection SEA WORLD, San Diego	•		NCE COLL ence from the		at			
I made an effort to locate physical evidence Y	ES							
If YES, what areas were printed with what results: <u>Location</u>	:		<u># 0</u>	f Prints Lifted		Di	sposition	
NONE FOUND								
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REPORTING OFFICER DEL TORO	I.D. 478		DIVISION INV_HOMICI	DE			06/04/2013	12:53

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	INCIDENT NUMBER 13060000530
PAGE	GASE NUMBER 13021595

OTHER PHYSICA	L EVIDENCE:	
I made other atten	npts to locate physical evidence at the scene. NO	
If NO, explain:		
	ce listed in the spaces below (Include photographs also):	
Item Description weapons, expend	ded eagings inho	By Whom 5869
How Marked	add casings, prio	Disposition
date, time, name	, ID #	Impounded
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Tag Number:	1306000530	
Item Description		By Whom
How Marked		Disposition
Location Found:		
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Item Description		By Whom
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Location Found:		
Tag Number:		

Continued From: CRIME	San Diego Regional Officer's Report Narrative			Incident Number 13060000530				
Page 5 of 5						Case Number 13021595		
Code Section And Description PC / 245A2 / ASSAULT WITH	(one incident only) DEADLY WEAPON	WIT		Date 6/1/2013		Day of Week Sat -	Time 09:22	
Location Of Incident (Or Address 100 SEA WORLD DR	SS)				City San Die	go	District	Beat 123
Person(s) Involved: Victim Butera	, Richard	Frank						
Suspect (If Named) Cargnoni , Giacon	no James							
Property Tag No.(s) 1306000530	-							

#### SYNOPSIS:

Giacomo CARGNONI threatened with a gun at per SDPD case # 13-021570. Police were called to this incident. Officers contacted CARGNONI in his vehicle in the area of 100 Sea World Dr. and they initiated a "vehicle hot-stop." During the hot-stop, CARGNONI did not comply with commands and began to search for something inside his vehicle.

Officer Rick BUTERA arrived and said he saw CARGNONI with what he believed was a gun in his hands. BUTERA also said he saw CARGNONI raise his hands in a shooting position and point at the officers conducting their hot-stop.

This incident resulted in an Officer Involved Shooting. Homicide Team 5 was assigned the case and is related to case # 13-021594.

For complete details of the investigation see the Homicide Team 5 complete investigation.

Reporting Officer	ID #	Division	Approved By	Date of Report	Time
DEL TORO	4754	INV_HOMICIDE		6/4/2013	12:53

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## San Diego Police Department: Case Cancellation

Type of	245A2 PC			
Crime/Incident	<u> </u>			
Case #	13021595	Victim	Butera, Richard	d Frank
Case Part of Series (Leave blank if no series)		Occurrence Date	06/01/2013	
Type of Cancellation	Exceptional: Oth	ner (such as subject is	dead)	Additional Arrests
Charge Level		NAMES OF THE PART	····	
Charge Level			*	<i>t</i>
Persons Arrested				
Last	First	Middle	Date	<b>Booking Number</b>
Cargnoni	Giacomo		06/01/2013	0000000
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Detective Arrest	Patrol Arrest		Charged	Not Charged X

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Property Recovered			
None			
Partial	Value Recovered		
Full X Was Al	RJIS-4 Completed	Yes No X	
Investigator:	Date	Approved By:	Date
4754 -Del Toro, Manuel	04/03/2014	5170 - Hastings, Michael	04/08/2014
List Additional Cases to	Be Cancelled:		
Narrative:			
GARGNONI handled the k	nife in a manner to have one defended himself and o	officers after he failed to locat fficers think he had a gun. Off ther officers from the assault. nal liability in this shooting.	icer Richard BUTERA shot

### SAN DIEGO POLICE DEPARTMENT OFFICER INVOLVED INCIDENT CASE REVIEW

DATE (occurrence):	June 1, 2013	
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TIME (occurrence): 0922 hours

LOCATION: 100 Sea World Dr.

SUBJECT: Officer Involved Shooting

INJURED/DECEASED: CARGNONI, Giacomo DOB:10-09-91

OFFICER(S): BUTERA, Richard, ID #5876, PO-II

**REVIEWED BY:** 

Sergeant Homicide Section

Lieutenant, Homicide Section

Captain, Investigations II

Assistant Chief, Centralized Investigations

09/29/1

10/8/13

Date

12/14/13

Date

3974

10/18/1

Date'

Property Recovered			,		
None					
Partial	Value Recovered				
Full X Was A	RJIS-4 Completed	Yes No X			
Investigator:	Date	Approved By:	Date		
4754 -Del Toro, Manuel	04/03/2014	5170 - Hastings, Michael	04/08/2014		
List Additional Cases to					
15-6	021594				
Narrative:					
Giacomo CARGNONI used a knife to threaten police officers after he failed to locate his gun in his vehicle. GARGNONI handled the knife in a manner to have officers think he had a gun. Officer Richard BUTERA shot and killed CARGNONI as he defended himself and other officers from the assault. Officer Richard BUTERA has been cleared by the District Attorney of any criminal liability in this shooting.					

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# San Diego Police Department: Case Cancellation

Type of	245A2 PC			
Crime/Incident				
Case #	13021595	Victim	Butera, Richard	Frank
Case Part of Series (Leave blank if no series)		Occurrence Date	06/01/2013	
Type of Cancellation Disposition Charge Level	Exceptional: Oth	ner (such as subject is	dead)	Additional Arrests
Persons Arrested				
Last	First	Middle	Date	<b>Booking Number</b>
Cargnoni	Giacomo		06/01/2013	00000000
	,			
Detective Arrest	Patrol Arrest	i	Charged	Not Charged X

Property Recovered							
None	· · · · · · · · · · · · · · · · · · ·						
Partial	Value Recovered						
Full X Was A	: RJIS-4 Completed	Yes No X					
Investigator:	Date	Approved By:	Date				
4754 -Del Toro, Manuel	04/03/2014	5170 - Hastings, Michael	04/08/2014				
List Additional Cases to	Be Cancelled:						
13-021595							
Narrative:							
Officer Richard BUTERA shot and killed Giacomo CARGNONI after CARGNONI pointed a knife at officers in a threatening manner. CARGNONI used the knife in a manner consistent with how a gun is used as if he was inviting officers to shoot him. CARGNONI had also expressed a desire to commit suicide to his friends within a day of the shooting. Officer BUTERA was not injured in the incident and the San Diego District Attorney has cleared him of any criminal liability in the shooting.							

## San Diego Police Department: Case Cancellation

Type of	981000 ZZ			
Crime/Incident				,
Case #	13021594	Victim	Butera, Richard I	- Frank
	10021001	_		
Case Part of Series		Occurrence Date	06/01/2013	
(Leave blank if no series)				
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Type of Cancellation	Exceptional: Ot	her (such as subject i	s dead) A	Additional Arrests
Disposition				LJ
Charge Level				·
Persons Arrested				
Last	First	Middle	Date	<b>Booking Number</b>
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Detective Arrest	Patrol Arres	t	Charged	Not Charged
W. CA.	VELL	ATTON	FOR	CASE A
* Ow				case #
	~1595	ALCO	ATTA	- UEN

JESUS RODRIGUEZ ASSISTANT DISTRICT ATTORNEY

# OFFICE OF STRICT ATTORNEY COUNTY OF SAN DIEGO

San Diego 330 West Broadway San Diego, CA 92101 (619) 531-4040

http://www.sandiegoda.com

BONNIE/MODUMANIS DISTRICT ATTORNEY

March 20, 2014

Police Chief Shelley Zimmerman San Diego Police Department 1401 Broadway San Diego, CA 92101

Re: Fatal shooting of Mr. Giacomo James Cargnoni on June 1, 2013, by San Diego Police Officer Richard Butera; San Diego Police Department Case No. 13-021594; DA Special Operations Case No. 13-072PS; Deputy District Attorney assigned: Patrick McGrath

#### Dear Chief Zimmerman:

We have reviewed the reports and other materials compiled by your Homicide Division concerning the fatal shooting of Mr. Giacomo J. Cargnoni on June 1, 2013, by Officer Richard Butera. A District Attorney Investigator responded to the scene and was briefed by your investigators. The case materials were presented to the District Attorney's Office for review on October 28, 2013.

Synopsis

Mr. Giacomo J. Cargnoni brandished a pistol during an argument with an acquaintance. Witnesses reported this to the police after Cargnoni drove away in his car. San Diego police officers located Cargnoni and conducted a high risk vehicle stop on Sea World Drive. Cargnoni disobeyed commands from officers, pulled an object from his car, (later determined to be a knife), and made motions as if he was aiming a handgun at the officers. Officer Richard Butera fired his shotgun and struck Cargnoni in the torso. Cargnoni fell, then got up and made the same pointing motions toward officers. He then approached the area where he dropped the object. Officer Butera fired again fatally wounding Cargnoni. Portions of the events were captured on video from a citizen witness.

#### Persons Involved

Mr. Giacomo J. Cargnoni was 21 years old at the time of the incident and was a resident of San Diego. San Diego Police Officer Richard Butera had been a police officer for 11 years when this incident occurred. Butera was assigned to the Western Patrol Division and was in full uniform.

Vehicle Stop

A subject called the San Diego Police Department and reported Giacomo Cargnoni pointed a handgun at the reporting party's head during an argument. That information, as well as Cargnoni's name and vehicle description was broadcast over the police radio. Officer John

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Police Chief Zimmerman March 20, 2014 Page 2 of 6

Carpenter spotted Cargnoni's Volkswagen Jetta and conducted a high risk vehicle stop facing north in the 100 block of Sea World Drive. Several other officers arrived to help.

Officer Carpenter ordered Mr. Cargnoni to throw his car keys out and walk backward with his hands up for the purpose of taking him into custody. Cargnoni initially stepped out from his car as ordered, but then ignored the subsequent commands. Cargnoni was shirtless, wearing only sweatpants. Cargnoni walked towards the officers as directed but then lowered his sweatpants, exposing himself. Cargnoni then reached as if he was pulling something from inside of his pants. Officer Carpenter could see that Cargnoni did not appear to have a weapon, but Cargnoni quickly extended his arms forward, put his hands together and pointed his fingers at the officer as if he had a gun.

Mr. Cargnoni pulled his sweat pants up and ran back to his car. Cargnoni leaned into the driver's side of his car. Officer Jeffrey Martinez broadcast, "He's going for a gun." Cargnoni got out of his car and took a two handed shooting stance, pointing at the officers as if he was holding a pistol. Despite repeated orders to get on the ground, Cargnoni continued searching the interior and the trunk of his car, tossing clothing and other items onto the street. Cargnoni would intermittently take a shooting stance toward the officers. Cargnoni then reached into his car from the passenger side and removed what was later determined to be a knife. Cargnoni crouched down, partially behind the rear passenger door, and then again held his arms out as if he was holding a gun with both hands.

Shooting Incident

Officer Richard Butera responded to the radio call of a high risk vehicle stop and approached the scene from the north. Butera used his car to block the southbound traffic lanes of Sea World Drive. Butera heard a call over the radio stating the suspect was going for a gun. Butera got out of his police car, removed his shotgun and moved south along the jersey barrier. Butera took a kneeling position across the street from Cargnoni's car. Cargnoni was on the passenger side of the Volkswagen and appeared to be pointing a handgun at the officers. Butera fired one round from his shotgun at Cargnoni. Cargnoni fell to the ground, dropped an object and rolled a few feet east of his car. Cargnoni got back up and took a shooting stance, pointing at officers. At this point, Butera could see Cargnoni had nothing in his hand, so he did not fire. Cargnoni then walked forward, ignoring officers' orders and approached the area where he had dropped the object. When Cargnoni appeared to bend forward, Butera felt he was going to grab a "pistol" to shoot the officers. Butera fired a second shot. Cargnoni again fell to the ground but did not get back up. Butera did not know the object the suspect had in his hands was a knife and not a handgun, until he approached the suspect with a trauma kit after the second shot was fired.

#### Witness Statements

The witnesses to this shooting were commuters travelling on Sea World Drive, temporarily detained behind the high risk vehicle stop. One witness digitally recorded the incident on his IPhone. The witness said the male was in a standing position gesturing as if he had a gun, but he was too far away to see if the male actually held a gun. Suddenly, a loud pop sound came from the left. The witness recognized the sound as being a gunshot. He said the male got back up and

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Police Chief Zimmerman March 20, 2014 Page 3 of 6

again extended his arms outward as if he was holding a gun and pointing at the officers. The witness heard another pop. The male fell down and never got back up.

A second witness said she saw a man on the passenger side of the grey Volkswagen. The witness said she was a distance away when she saw him. She said she thought he was holding something in his left hand. She assumed he had a gun, "...because all the officers were in that defensive guard." The witness heard a shot and thought the suspect had fired at the officers. She then saw Cargnoni fall to the ground. The witness saw him get back up and thought he was going towards his car. She then heard another shot and realized the police shot him again. She saw officers approach the man on the ground. She took a picture of the scene with her cell phone camera.

A third witness said she heard the officers giving Mr. Cargnoni orders to get out of his car with his hands up. She saw Cargnoni rummaging through the contents of his car. She thought Cargnoni might retrieve a weapon to shoot at the officers. The witness realized she might be in the line of fire and ducked down in her car. She then heard one pop sound. Her windows were rolled up and it sounded muffled. She did not see who fired.

Officer Butera's Statement

Officer Butera said he arrived on Sea World Drive in time to see Mr. Cargnoni rummaging through the trunk of his Volkswagen. Butera was in a vulnerable location for crossfire so he grabbed his shotgun and moved to a position across the street, west from Cargnoni. Using the concrete jersey barrier for cover, Butera took aim at Cargnoni with his shotgun. Butera heard another officer broadcast that Cargnoni was, "going for a gun." Butera saw Cargnoni outside of the open front door on the passenger side. Cargnoni was crouched down and reaching inside car between the front seats. Butera saw Cargnoni holding the black handle of an object. Butera believed it was a handgun. He then said Cargnoni took a crouched shooting position behind the open back door on the passenger side. Butera said Cargnoni was pointing directly at the officers who were conducting the high risk vehicle stop. Cargnoni got up from his crouched position and advanced toward the officers. Butera said he was certain at that time Cargnoni was armed with a gun and believed Cargnoni was going to shoot.

Butera fired a shot through the rear window on the driver's side of the Volkswagen and saw Cargnoni stumble backwards. Butera said he saw Cargnoni had dropped what Butera believed was a gun on the ground as he fell. Butera moved about 8 to 10 feet south along the jersey barrier and re-aimed at Cargnoni. Butera saw Cargnoni get back up to a standing position. Butera said, "He was advancing towards where the weapon was dropped." Butera saw Cargnoni bend forward and thought Cargnoni was going to pick the weapon up. Butera fired another round from his shotgun and saw it struck Cargnoni in his chest. Butera approached Cargnoni with a trauma kit and then learned Cargnoni had been armed with a knife and not a handgun.

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Police Chief Zimmerman March 20, 2014 Page 4 of 6

Witness Officers Statements

A number of SDPD officers were on the scene and had different observations depending on their distance and angle of sight at Mr. Cargnoni. Some of the descriptions provided by officers are listed below.

Approximately 1 minute, 45 seconds into the high risk vehicle stop, Officer Bradford Green broadcast, "He's back in the car. He's making some movements like he's gonna go for a gun." Green told investigators, "He was just tossing stuff. The only thing I am thinking is he is looking for his gun. He couldn't find it in the trunk and now he is in his car looking for his gun and he is going to come out shooting." Green was behind Officer Carpenter and did not see an object in Cargnoni's hands.

Officer Carpenter said he saw it was an opened folding knife. Officer Jeffrey Martinez said it was a black object in Mr. Cargnoni's hands and, "...immediately thought it was a gun." Officer Michael Kellington a said, "I almost shot but I was able to see the knife from the angle I had."

Sergeant Nick Borrelli said Cargnoni, "... came out of the car with something in his hands." Borrelli assumed Cargnoni had a gun but did not fire because he did not have a clear shot. Borrelli heard a gunshot. After the gunshot, Borrelli saw Cargnoni move toward the brush area. Borrelli then saw Cargnoni walk back and began to lean over to pick up what he dropped and that is when he heard the second gunshot. Acting Sergeant Esmeralda Tagaban thought Cargnoni was looking for his gun and said, "... when he came back up I thought he had found it, when he came back up with his hands simulated."

Investigation

The crime scene was secured and the investigation revealed Officer Butera fired a total of two rounds from his shotgun. Mr. Cargnoni had positioned himself approximately 2 to 3 feet east of the passenger side of his car. Cargnoni's front driver door and both front and back passenger side doors were open. The rear driver side door was closed with the window rolled up. Butera was positioned on the west side of the concrete jersey wall, dividing the north and south lanes of 100 Sea World Drive. Butera fired his first round in an eastward direction, at an approximate 90 degree perpendicular angle from the jersey barrier. The round travelled through the rear driver's side window of Cargnoni's car and out the passenger side, striking Cargnoni in the chest.

Video recorded by a witness showed Cargnoni taking a shooting stance, pointing toward several officers. The video shows Cargnoni falling to the ground after being shot and then returning to his feet. Butera moved approximately 25 to 30 feet south along the same jersey wall. The video shows Cargnoni again taking a shooting stance towards the officers, then moving forward. He leans forward when it appears he is hit by the second shot fired. Butera fired the second round in an eastward direction from an approximate 30 degree angle, striking Cargnoni in the chest. The second shot was at an approximate distance of over 40 feet. Officers approached Cargnoni to take him into custody and render medical aid.

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Police Chief Zimmerman March 20, 2014 Page 5 of 6

Officer Martinez said he saw Cargnoni had a lot of chewed up white pills inside his mouth. San Diego Police Crime Scene Investigators found other white pills near the spot that Cargnoni ultimately fell. Investigators searched Cargnoni's vehicle and found a loaded Desert Eagle 9mm semi-automatic handgun with 1 round of ammunition in the chamber and 8 rounds in the magazine. The handgun was located in the trunk of Cargnoni's vehicle concealed under objects of clothing.

Mr. Cargnoni was armed with a black handled folding knife with an opened blade that was 3 inches in length. The overall length of the knife was 7 inches.

Autopsy

On June 3, 2013, an autopsy was performed. The Deputy Medical Examiner determined Cargnoni died from multiple shotgun projectile wounds to the chest. Cocaine metabolites, cannabinoids, benzodiazepines and clonazepam were detected in Cargnoni's system.

Legal Analysis

This review was conducted pursuant to the joint protocol between this office and all San Diego law enforcement agencies calling upon the District Attorney to conduct an independent assessment of the circumstances surrounding the use of deadly force.

Under California law, peace officers may use deadly force to protect themselves from the threat of death or great bodily harm and to use reasonable force in making an arrest. California Penal Code section 835a allows an officer to use reasonable force to make an arrest and to overcome resistance by a person for whom he has reasonable cause to believe has committed a public offense. That section states the officer need not retreat or end his effort to make an arrest because of a person's resistance. Penal Code section 196 declares that homicide is justifiable when committed by public officers when necessarily committed in overcoming actual resistance in the discharge of any legal duty.

In accordance with Penal Code section 196, peace officers may use deadly force in the course of their duties under circumstances not available to members of the general public. We are mindful, however, that certain limits on the use of deadly force apply to peace officers. The U.S. Ninth Circuit Court of Appeals, in the case of Scott v. Henrich (9th Cir. 1994) 39 F.3d 912, delineated those circumstances under which deadly force may be used:

[P]olice may use only such force as is objectively reasonable under the circumstances. An officer's use of deadly force is reasonable only if 'the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.' All determinations of unreasonable force 'must embody allowance for the fact that police officers are often forced to make split-second judgments — in circumstances that are tense, uncertain, and rapidly evolving — about the amount of force that is necessary in a particular situation.'" [Citations omitted.]

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Police Chief Zimmerman March 20, 2014 Page 6 of 6

Irrespective of any laws applicable to situations where peace officers use deadly force in accomplishing their duties, the law of self-defense is available to any person. Homicide is justifiable in accordance with Penal Code 197 when resisting any attempt by a person to commit great bodily injury on or kill any person.

#### **Conclusions**

In this case, Mr. Cargnoni was suspected of assaulting an acquaintance by pointing a pistol at his head. Cargnoni's vehicle was spotted by an officer and a high risk vehicle stop was conducted. Officers ordered Cargnoni to surrender at gunpoint. Mr. Cargnoni ignored the commands and rummaged through his vehicle, tossing various objects into the street in an apparent search for something. Cargnoni would intermittently take provocative shooting postures at the officers. Cargnoni armed himself with an opened folding knife and held it out with both arms extended as if he was holding a handgun. Officer Butera thought Cargnoni was armed with a handgun and was about to shoot at the officers conducting the stop. Butera shot and struck Cargnoni. Cargnoni fell but quickly rose and took another threatening shooting posture. Cargnoni then approached the area where he had dropped his knife and Butera fired again, believing Cargnoni was reaching for a firearm, fatally wounding Cargnoni.

Based on these circumstances, Butera fired in lawful defense of other officers. He therefore bears no criminal liability for his actions.

A copy of this letter, along with the materials submitted for our review will be retained in our files.

Sincerely,

BONNIE M. DUMANIS District Attorney County of San Diego

BMD:jh

cc: Assistant Chief Terrence McManus San Diego Police Department

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#### THE CITY OF SAN DIEGO

# San Diego Police Department

FOR IMMEDIATE RELEASE

Date: June 1, 2013 (Saturday)

Time: 0912 Hours

CONTACT: Lieutenant Jorge Duran

Homicide Unit

(619) 531-2425

#### POLICE INVESTIGATE OFFICER INVOLVED SHOOTING IN OCEAN BEACH

San Diego Police Department Homicide Unit detectives are investigating an officer involved shooting incident in Ocean Beach.

Today, at approximately 9:12 a.m., patrol officers responded to a 911 call of a man with a gun threatening to shoot another male in the 1700 block of Sunset Cliffs Boulevard. Witnesses saw the suspect get into a silver Volkswagen sedan and drive north on Sunset Cliffs Boulevard. Responding officers spotted the vehicle and initiated a traffic stop in the 100 block of Sea World Drive. The officers gave the suspect commands to put his hands in the air. The suspect ignored the officers' commands and instead walked over to the passenger side of the vehicle, reached between the seats, and retrieved what officers described as a brown and silver object. The suspect raised the object and pointed it towards the officers.

One of the officers closest to the suspect fired his duty weapon striking the suspect. The suspect was transported to a local hospital where he later died.

A handgun was located in the suspect's vehicle.

The suspect's identity is known but will not be released until family notifications have been made.

The officer involved in the shooting is an 11 year veteran of the Department.

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#### SAN DIEGO POLICE DEPARTMENT INVESTIGATOR'S REPORT

DATE (occurrence):

June 1, 2013 (Saturday)

TIME (occurrence):

0922 Hours

**LOCATION:** 

100 Sea World Dr.

**SUBJECT:** 

Inc #13060000530

OIS/Special Investigation – SDPD Case #13-021594

Officer BUTERA, Richard ID #5876, P.O. II.

**245(a)(2) PC, ADW (Gun) – SDPD Case** #13-021595 Victim: Officer BUTERA, Richard ID #5876, P.O. II.

Suspect: CARGNONI, Giacomo James, W/M (21), DOB: 10-09-91

#### **CALL OUT:**

On June 1, 2013 at 0940 hours, Lt. Jorge DURAN, #4207 directed Homicide Team 5 to respond to 100 Sea World Drive to assist with an officer involved shooting investigation.

The shooting occurred during a 'hot stop' (traffic stop) involving a dark gray, 2012 Volkswagen Jetta, bearing California License plate

Prior to the initiation of the traffic stop, police officers from Western Division responded to a radio call of an individual brandishing a firearm outside of an apartment complex located at (Beat 614). A description of the suspect and his vehicle was broadcast to officers.

Officers located a possible suspect vehicle in the area of Dusty Rhodes Park and followed the Jetta as it traveled northbound on Sunset Cliffs Boulevard. The officers initiated a traffic stop on the subject vehicle, which yielded on the north side of the Sunset Cliffs Bridge, around 100 Sea World Drive (Beat 123).

It was during the 'hot stop' the suspect produced what Officer Richard BUTERA, #5876, believed to be a gun. The suspect took a shooting position with the object in his hand and pointed that object at the officers. Officer BUTERA discharged his 12-Gauge shotgun two times at the suspect which resulted in the suspect's death. The object in the suspect's hands was later determined to be a black handled folding knife.

#### **HOMICIDE PERSONNEL AT SCENE:**

Present from the Homicide Unit were Lieutenant Jorge DURAN, ID #4207, Sergeant Manuel DEL TORO, ID #4754; Detectives Jana BEARD, ID #4807, Gary GONZALES, ID #5328, and Angelica NAVARRO, ID #5413 (Relief). Crime Scene Specialists Jennifer SANDERS, ID #8392 and Joe BERNER, ID #8791 along with Criminalist Eugene LACHIMIA, ID #8757, assisted from the San Diego Police Crime Laboratory in processing the evidence at the shooting scene.

Others present for the briefing included the following: Assistant Chief Cesar SOLIS, ID #3221, Captain Andrew MILLS, ID #3522, Lieutenant Bernie COLON, ID #4614, Lieutenant Brian GOLDBERG, ID #4573, Sergeant Jason WEEDEN, ID #5563 and Acting Sergeant Esmeralda TAGABAN, ID #6794.

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Investigator's Report Case Synopsis: Case #13-021594 and 13-021595 Page 2

#### **BRIEFING:**

At approximately 1100 hours, after the entire Homicide team was assembled, Acting Sergeant TAGABAN briefed us on the incident. Homicide Team 5 learned the following:

At 0912 hours, San Diego Police Communications Division received a 911 call from stating an individual was at her apartment complex located at brandishing a firearm.

Western Division patrol officers were dispatched to the call at 0912 hours

The victim of the assault with a firearm (subject of the radio call) was identified as who resides at

Officer CARPENTER responded to the radio call and located the vehicle near Dusty Rhodes Park, traveling northbound toward Sea World Drive. Officer CARPENTER broadcast the license plate, and waited for cover. Officer MARTINEZ then arrived and a 'hot stop' was conducted at 100 Sea World Drive. Additional officers responded to the scene to assist.

During the hot stop CARGNONI exited his vehicle and ran over to the passenger side of the vehicle. CARGNONI began rummaging through items on the front seat as officers were giving lawful orders to stop. CARGNONI then went towards the trunk area of the car. CARGNONI opened the trunk of the car and began rummaging through the items inside of the trunk. CARGNONI went back to the passenger side of his vehicle and continued rummaging through the interior of the car. CARGNONI appeared to have something in his hand and appeared to be simulating that he had a weapon. CARGNONI brought his hands up and pointed the object in his hand at the officers (as if taking a shooting stance).

It was at this time Officer Richard BUTERA discharged a round with his shotgun at the suspect CARGNONI. CARGNONI fell down and rolled on the ground. CARGNONI got back up again and continued to simulate he was armed with a weapon. The officers continued to give CARGNONI verbal commands. Officer BUTERA discharged his shotgun a second time after CARGNONI ignored the officers' commands.

Paramedics responded to the shooting scene and they transported Giacomo James CARGNONI to UCSD Hospital. The suspect made no statements at the scene nor did he make any statements in the ambulance.

The suspect was pronounced deceased by Dr. GODAT at 1044 hours.

Western Division Office	s also	responded	to	the	location	ΟĪ	the	<u>ini</u> tial	radio	call	OI
CARGNONI brandishing	a fire	arm at						Of	ficers	1earr	ıed
that CARGNONI had bee	n temp	orarily stay	ring	at						w	ith
his friend,		. There was	s a	disp	ute betwe	en	the 1	residen	t		

(\_) Investigator's Report Case Synopsis: Case #13-021594 and 13-021595 Page 3

> and CARGNONI over an alleged stolen credit card. A fight ensued and CARGNONI armed himself with a box cutter. CARGNONI left apartment. followed CARGNONI out of the apartment as he walked to his Volkswagen. CARGNONI then produced a black semi-automatic handgun and pointed the gun at the Two independent witnesses observed CARGNONI head. brandish the firearm and called police. were returning home from The two witnesses, grabbing a cup of coffee when they witnessed CARGNONI pointing the firearm at was able to escape CARGNONI by walking away from him. was a witness to the officer involved shooting and recorded the incident on his cellular phone. was standing by and waiting to be interviewed. An additional witness, also witnessed the shooting. She was not present at the scene but could be reached by phone to be interviewed.

### **INVESTIGATION:**

Homicide Team 5 Detectives took over the investigation of the Officer Involved Shooting and the Assault on the Officers. Detective's BEARD and LEAHY conducted the crime scene investigation.

Detectives NAVARRO and GONZALES began conducting civilian and officer witness statements.

Detective GONZALES located and he indeed captured the incident on his cell phone. consented to having his phone downloaded. The footage shows GIACOMO making shooting stances at the officers conducting the Hot Stop. GIACOMO was shot twice with shotgun rounds by Officer BUTERA. Before the second shot, GIACOMO was walking towards the knife he was holding while making shooting gestures at the officers. The footage supports the statements of the civilian and police officer witnesses.

At 1410 hours, CSS BERNER conducted a search of the trunk area and located a black metal handgun concealed underneath loose clothing and personal items. On the ground near the medical intervention items, a pocket knife was also located. The knife had a black handle and a silver metal colored blade. The pocket knife was folded open and the blade appeared to be fully extended out. This appeared to be the location where the decedent came to rest after having been struck by Officer BUTERA's second shot.

Computer research on CARGNONI revealed he has a

.

Investigator's Report Case Synopsis: Case #13-021594 and 13-021595 Page 4

Witness, was in traffic on Sea World Dr. she saw CARGNONI and the hot stop being conducted. She stated CARGNONI was going through things in his vehicle and ignoring officers. She feared he was going to possibly shoot the officers and she leaned down for cover. She later said she heard one shot fired.

Witness, was also in traffic on Sea World Drive. She heard officers yelling to CARGNONI to get down. CARGNONI was on the passenger side of his vehicle and she assumed he had a gun because officers were pointing their guns at him. She said she ducked for cover in her vehicle and then heard the shots fired.

Witnesses and were interviewed regarding the radio call of a person with a gun at handgun at at that location.

were interviewed regarding the They all stated they saw CARGNONI point a that location.

A friend of CARGNONI, was interviewed and she stated that CARGNONI recently told her he was having suicidal thoughts. She also said she suspected him of recently stealing some of her pills (Klonopin) from her residence.

Another friend of CARGNONI, was interviewed and she overheard CARGNONI say he has had suicidal thoughts in the past.

The officers on the Hot Stop were also interviewed. Sergeants Nick BORELLI and A/Sergeant Esmeralda TAGABAN and Officers Bradford GREEN, Mike KELLINGTON, Jeffrey MARTINEZ, John CARPENTER all stated that CARGNONI was not complying with commands and he raised his hands towards the officers on the Hot Stop as if he had a weapon. They also stated they saw CARGNONI going through his vehicle as if he was looking for something. Officers CARPENTER and KELLINGTON stated they saw CARGNONI holding a knife in his hands when he was taking a shooting stance at the officers. Officer KELLINGTON stated he almost shot CARGNONI when he took the threatening stance towards them. Sgt. BORELLI and A/Sergeant TAGABAN both said they saw "something" in CARGNONI'S hands when he took the shooting stance towards them but they did not know what it was. All of the sergeants and the officers stated they believed CARGNONI was the suspect of the recent incident where someone was threatened with a gun.

The shooting officer, Richard BUTERA volunteered to be interviewed with his attorney, Robert KRAUSE, present. BUTERA stated he heard the radio call of person threatening someone with a gun on Sunset Cliffs. He was also aware that officers were conducting a Hot Stop on an individual who was the suspect in that incident. Officer BUTERA arrived at 100 Sea World Drive and he covered the officers with his shotgun. Officer BUTERA saw CARGNONI going through his trunk and passenger side of his vehicle while ignoring the officers giving commands on the Hot Stop. Officer BUTERA saw CARGNONI take a shooting stance at the officers on the Hot Stop with an object in his hands. Officer BUTERA believed that object in CARGNONI'S hands was a gun.

			(_)

Investigator's Report Case Synopsis: Case #13-021594 and 13-021595 Page 5

Officer BUTERA stated he believed CARGNONI was going to fire a gun on the officers. BUTERA said he fired on CARGNONI to protect the officers from a deadly assault. (See Officer BUTERA'S verbatim statement in the victim section of this investigation).

On September 17, 2013, Homicide Team 5 received lab results that indicate the suspect CARGNONI'S DNA was found on the knife found near him at the scene and also on the gun found in the car in the area he was rummaging through.

Reporting Sergeant Manuel DELTORO I.D. 4754

Homicide Team:

1700 Hours

## SAN DIEGO POLICE DEPARTMENT HOMICIDE SECTION CALLOUT SHEET

DATE/TIME: 06/01/2013 0922 LOCATION: 100 Sea world DR

AREA: NO BEAT: 123 APT:

CASE TYPE: OIS-Special Investigation CASE #: 13-021594

RELATED CASE TYPE / #:

WEAPON:

METHOD OF DEATH:

MOTIVE:

245a2 PC #13-021595

Knife/Stabbing

Gunshot Wound(s)

Unknown

## **VICTIM**

NAME: BUTERA, Richard

RACE: White

SEX: Male

**HEIGHT:** 5'06" **WEIGHT:** 185

AGE:

DOB:

**IDENTIFICATION: SSN:** 

CDL

FBI:

CII:

**HOME ADDRESS** 

**OCCUPATION** 

**EMPLOYER** 

PHONE PHONE

LAW ENFORCEMENT

San Diego PD

## SUSPECT(s)

NAME: CARGNONI, Giacomo James

RACE: White

SEX: Male

HEIGHT: 5'10" WEIGHT: 160 AGE:

DOB: 10/9/1991

IDENTIFICATION SSN:

CDL

FBI:

CII:

**PHONE** 

**HOME ADDRESS** 

**EMPLOYER** 

**PHONE** 

ARREST DATE:

OCCUPATION

CHARGES:

WARRANT:

Page 1 of 4

Print Date 4/10/2014 Case # 13-021594

Victim:

BUTERA, Richard

### INVESTIGATIVE PERSONNEL

HOMICIDE PERSONNEL:

FORENSIC SPECIALIST:

Sanders

TEAM: 5

CRIMINALIST:

Lachimia

Det. Jana BEARD 4807

Sgt Manny DEL TORO 4754

DDA:

Spec Ops

Det. Christopher LEAHY 5869

MEDICAL EXAMINER:

Moreheim

Det. Gary GONZALES 5328

INVESTIGATOR:

J.C. Smith

POLDET ANGELICA NAVARRO-MORAN 5413

CANCELLED BY: DEL TORO/HASTINGS

DATE: 4/8/2014 TO RECORDS: 4/10/2014

#### CASE SYNOPSIS / REVISIONS

On June 1, 2013 0945 hours, Homicide Team 5 was called out to 100 Sea World Drive to investigate with ann officer involved shooting investigation.

The genesis of the officer involved shooting originated as a result of a 'hot stop' (traffic stop) involving a dark gray, 2012 Volkswagen Jetta, bearing California License plate Prior to the initiation of the traffic stop, police officers from Western Division responded to a radio call of an individual brandishing a firearm outside of an apartment complex located at (Beat 614). A description was broadcast to officers of the suspect and the vehicle he fled in.

Officers located a possible suspect vehicle in the area of Dusty Rhodes Park and followed the Jetta as it traveled northbound on Sunset Cliffs Boulevard. The officers initiated a traffic stop on the subject vehicle, which yielded on the north side of the Sunset Cliffs Bridge, just past the location where Sunset Cliffs Boulevard becomes Sea World Drive (Beat 123).

It was during the 'hot stop' the suspect produced what Officer Richard BUTERA, #5876, believed to be a gun. The suspect took a shooting position with the object in his hand and pointed that object at the officers. Officer BUTERA discharged his 12-Gauge shotgun two times at the suspect, which ultimately resulted in the suspect's death. The object in the suspects hands was later determined to be a black handled folding knife

The scene was located east of the cement jersey wall, which divides the north and southbound traffic lanes at 1000 Sea World Drive.

The area of the crime scene is generally uninhabited and is primarily used as a thoroughfare between the communities of Ocean Beach and Mission Beach. The area is frequently used for recreational means as there are bicycle pathways in the area connecting Ocean Beach and Mission Bay Park. The location of the scene is in police service Beat-123.

#### **BRIEFING:**

At approximately 1100 hours, after the entire Homicide team was assembled. Acting

Prepared By: MANUEL DEL TORO, SGTD ID 4754

Date: Prepared: 6/13/2013

Revised: 10/17/2013

 Print Date
 4/10/2014

 Case #
 13-021594

 Victim:
 BUTERA, Richard

Sergeant TAGABAN briefed us on the incident. The briefing took place while standing south of the scene in the 100 block of Sea World Drive. Acting Sergeant TAGABAN essentially told us the following:

At 0912 hours, San Diego Police Communications Division received a 911 call from stating an individual was at her apartment complex located at brandishing a firearm.

The weather conditions were clear and the temperature was 65 degrees.

Western Division patrol officers were dispatched to the call at 0912 hours. Officer John CARPENTER, ID #5429 (Unit-618J1) was the first officer to arrive at the scene. The second officer to arrive on scene was Officer Jeffrey MARTINEZ, ID #5668 (Unit-613B1) followed by Officer Bradford GREEN, ID #6820 (Unit-614B1) and Richard BUTERA, ID #5876 (Unit-621B1).

Officer KELLINGTON, ID #6384 (Unit-615J1), Sergeant Nick BORELLI, ID #4584 (Unit-621S1) and myself (Acting Sergeant TAGABAN) were also present.

The victim of the assault with a firearm (subject of the radio call) was identified as who resides at

Paramedic #20 and Engine #20 responded to the shooting scene. Medic #20 transported the suspect to UCSD Hospital. The following are the listed Paramedic personnel attached to Medic #20: Adam SWEAT, ID #AS9502, Dennis CREAMER, ID #DC3076, and Simmon KOCH, ID #SK4352. Officer Kristopher SPENCER, ID #6811 was directed to ride in the ambulance to UCSD with the suspect. The suspect made no statements at the scene nor did he make any statements in the ambulance.

The suspect was pronounced deceased by Dr. GODAT at 1044 hours.

The suspect has been identified as Giacomo James CARGNONI, born October 9, 1991. CARGNONI was found lying on his back on the ground, with his head facing southbound and two gunshots to his torso.

at her neighbor. Officer CARPENTER located the vehicle near Dusty Rhodes Park, traveling northbound on Sea World Drive. Officer CARPENTER broadcast the license plate, and waited for cover. Officer MARTINEZ then arrived and a 'hot stop' was conducted at 100 Sea World Drive.

CARGNONI exited his vehicle and ran over towards the passenger side of the vehicle. CARGNONI began rummaging through items on the front seat as officers were giving lawful orders to stop. CARGNONI then went towards the trunk area of the car. CARGNONI opened the trunk of the car and began rummaging through the items inside of the trunk. CARGNONI went back to the passenger side of his vehicle and continued rummaging through the interior of the car. CARGNONI appeared to have something in his hand and appeared to be simulating he had a weapon. CARGNONI brought his hands up and pointed the object in his

Prepared By: MANUEL DEL TORO, SGTD ID 4754

Date: Prepared: 6/13/2013

Revised: 10/17/2013

 Print Date
 4/10/2014

 Case #
 13-021594

 Victim:
 BUTERA, Richard

the object in his hand at the officers (as if taking a shooting stance).

It was at this time Officer BUTERA discharged a round with his shotgun. CARGNONI fell down and rolled on the ground. CARGNONI got back up again and continued to simulate he was armed with a weapon. The officers continued to give CARGNONI verbal commands. Officer BUTERA discharged his shotgun a second time after CARGNONI ignored the officers' commands.

What we've learned from the reporting parties is that CARGNONI had been temporarily staying at This morning discovered CARGNONI had stolen his credit card.  CARGNONI this morning asleep on bedroom floor. Confronted CARGNONI about stealing his credit card. A fight ensued and CARGNONI armed himself with a box cutter.
CARGNONI took off his shirt during the fight and CARGNONI left apartment. followed CARGNONI out of the apartment as he walked to his Volkswagen.
CARGNONI then produced a black semi-automatic handgun and pointed the gun at the back of head. Two independent witnesses observed CARGNONI brandish the firearm and called police.
The two witnesses, were returning home from grabbing a cup of coffee when they witnessed CARGNONI pointing the firearm at
was able to escape CARGNONI by walking away from him.
The suspect left the area in the Volkswagen and was subsequently located by officers who initiated a traffic stop at this location, 100 Sea World Drive.
is a witness to the officer involved shooting and recorded the incident on his cellular phone.
An additional witness, also witnessed the shooting. She is not present at the scene but can be reached later by phone to be interviewed.
Detective LEAHY with the assistance of Detective Jana BEARD conducted the crime scene investigation. Detectives NAVARRO and GONZALEZ conducted witness statement statements that began with the civilians and then to the six officers present.

Sergeant Manuel DELTORO interviewed shooting officer Rick BUTERA. BUTERA stated he fired his shotgun twice at the suspect, CARGNONI because he believed CARGNONI pointed

a handgun at police officers conducting the hot-stop with the intent to hurt them.

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L	17	LOCATION OF INCIDENT (OR ADD 100 SEA WORLD DR						CITY San Dioga		
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Continued From: CRIME			iego Regior Report Nar			Incident Number 13060000530		
Page 5 of 5						Case Number 13021594		
Code Section And Description ( ZZ / 981000 / MISCELLANEOU				Date 6/1/2013		Day of Week Sat -	Time 09:22	-
Location Of Incident (Or Addres 100 SEA WORLD DR	s)				City San Dieg	10	District	Beat 123
Person(s) Involved: Victim Butera	, Richard	Frank						
Suspect (If Named) Cargnoni , Giacom	o James							
Property Tag No.(s) 1306000530								

## SYNOPSIS:

Giacomo CARGNONI threatened with a gun at per SDPD case number 13-021570. In response to that incident, citizens called police. Police responded and contacted CARGNONI in his vehicle in the area of 100 Sea World Dr. Police initiated a "vehicle hot-stop." CARGNONI did not cooperate with police commands and he pointed his knife at the police as if he were holding a handgun. Believing CARGNONI was going to shoot at police officers, Officer Richard BUTERA fired his shotgun two times at CARGNONI.

Homicide Team 5 was assigned the incident for investigation. For complete details of the case, see the Homicide Team 5 investigative binder.

Reporting Officer	ID#	Division	Approved By	Date of Report	Tìme :
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# INCIDENT NUMBER 13060000530 INVESTIGATION ADDENDUM REPORT CONTINUED FROM PAGE CASE NUMBER CRIME REPORT 3 OF 5 13021595 CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY) PC / 245A2 / ASSAULT WITH DEADLY WEAPON WIT LOGATION OF INCIDENT (OR ADDRESS) 100 SEA WORLD DR CITY DAY OF WEEK DATE BEAT TIME San Diego 06/01/2013 Sat 09:22 123 PERSON(S) INVOLVED: VICTIM Butera, Richard Frank SUSPECT (IF NAMED) Cargnoni, Glacomo James PROPERTY TAG NO(S) 1306000530 **EVIDENCE COLLECTION** Officer's Investigation: I conducted the following attempts to locate, collect and preserve evidence from the crime scene at 100 SEA WORLD, San Diego I made an effort to locate physical evidence YES LATENT PRINTS: If YES, what areas were printed with what results: Location # of Prints Lifted Disposition NONE FOUND REPORTING OFFICER DIVISION DATE OF REPORT I.D.# TIME

4754

INV\_HOMICIDE

06/04/2013

12:53

**DEL TORO** 

INCIDENT NUMBER 13060000530 CASE NUMBER 13021595

PAGE		
4	OF	5

OTHER PHYSICAL EVIDENCE:	
I made other attempts to locate physical evidence at the scene.	
If NO, explain:	•
( ) company	
I recovered evidence listed in the spaces below (Include photographs also):	
Item Description	
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Continued From: CRIME		San Dieg Officer's Re	"And"			Incident Number 13060000530		
Page 5 of 5						Case Number 13021595		
Code Section And Description PC / 245A2 / ASSAULT WITH		VIT		Date: 6/1/2013		Day of Week Sat -	Time 09:22	_
Location Of Incident (Or Addre 100 SEA WORLD DR	ss)		***************************************		City San Dieg	30	District	Beat 123
Person(s) Involved: Victim Butera	, Richard	Frank						
Suspect (If Named) Cargnoni , Giacor	no James				·			
Property Tag No.(s) 1306000530								

## SYNOPSIS:

Giacomo CARGNONI threatened with a gun at per SDPD case # 13-021570. Police were called to this incident. Officers contacted CARGNONI in his vehicle in the area of 100 Sea World Dr. and they initiated a "vehicle hot-stop." During the hot-stop, CARGNONI did not comply with commands and began to search for something inside his vehicle.

Officer Rick BUTERA arrived and said he saw CARGNONI with what he believed was a gun in his hands. BUTERA also said he saw CARGNONI raise his hands in a shooting position and point at the officers conducting their hot-stop.

This incident resulted in an Officer Involved Shooting. Homicide Team 5 was assigned the case and is related to case # 13-021594.

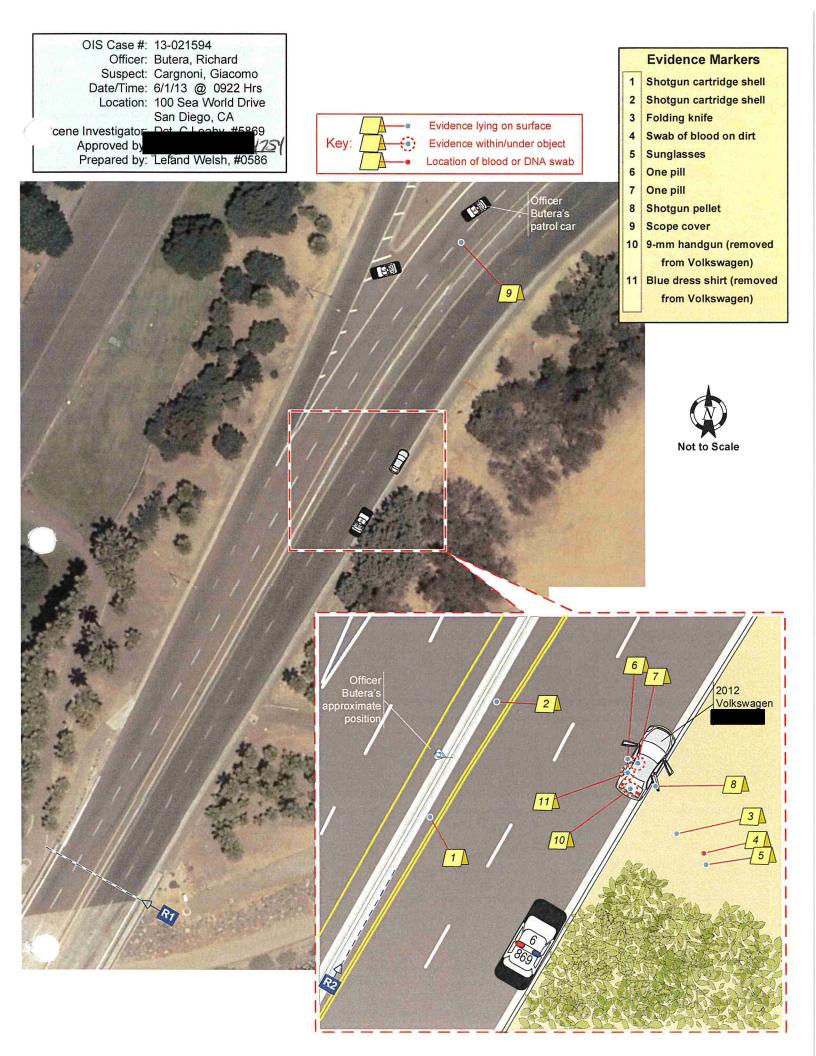
For complete details of the investigation see the Homicide Team 5 complete investigation.

Reporting Officer	ID#	Division	Approved By	Date of Report	Time
DEL TORO	.4754	INV_HOMICIDE	· ·	6/4/2013	12:53

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## SAN DIEGO POLICE DEPARTMENT INVESTIGATOR'S REPORT

**DATE** (occurrence):

June 1, 2013 (Saturday)

TIME (occurrence):

0922 Hours

LOCATION:

100 Sea World Dr.

**SUBJECT:** 

Inc #13060000530

OIS/Special Investigation – SDPD Case #13-021594

Officer BUTERA, Richard ID #5876, P.O. II.

**245(a)(2) PC, ADW (Gun) – SDPD Case #13-021595** Victim: Officer BUTERA, Richard ID #5876, P.O. II.

Suspect: CARGNONI, Giacomo James, W/M (21), DOB: 10-09-91

### **CRIME SCENE INVESTIGATION:**

### **CALL OUT:**

On June 1, 2013 at 0945 hours, I received a call at home from Sergeant Manny DEL TORO #4754 directing me to respond to 100 Sea World Drive to assist with an officer involved shooting investigation.

I arrived at the scene at 1030 hours. I noted the sky was partially cloudy and the temperature was approximately 65 degrees.

The genesis of the officer involved shooting originated as a result of a 'hot stop' (traffic stop) involving a dark gray, 2012 Volkswagen Jetta, bearing California License plate Prior to the initiation of the traffic stop, police officers from Western Division responded to a radio call of an individual brandishing a firearm outside of an apartment complex located at (Beat 614). A description was broadcast to officers of the suspect and the vehicle he fled in.

Officers located a possible suspect vehicle in the area of Dusty Rhodes Park and followed the Jetta as it traveled northbound on Sunset Cliffs Boulevard. The officers initiated a traffic stop on the subject vehicle, which yielded on the north side of the Sunset Cliffs Bridge, just past the location where Sunset Cliffs Boulevard becomes Sea World Drive (Beat 123).

It was during the 'hot stop' the suspect produced what Officer Richard BUTERA, #5876, believed to be a gun. The suspect took a shooting position with the object in his hand and pointed that object at the officers. Officer BUTERA discharged his 12-Gauge shotgun two times at the suspect, which ultimately resulted in the suspect's death. The object in the suspects hands was later determined to be a black handled folding knife

The scene was located east of the cement jersey wall, which divides the north and southbound traffic lanes at 100 Sea World Drive. The scene extends to the east beyond the northbound traffic lanes, approximately 53 feet from the cement jersey wall to the furthest piece of evidence; a pair of sunglasses marked as (*Item* #5).

Investigator's Report Crime Scene Case #13-021594 and 13-021595 Page 2

The area of the crime scene is generally uninhabited and is primarily used as a thoroughfare between the communities of Ocean Beach and Mission Beach. The area is frequently used for recreational means as there are bicycle pathways in the area connecting Ocean Beach and Mission Bay Park. The location of the scene is in police service Beat-123.

Patrol officers and crime scene tape were protecting the scene perimeter. Northbound traffic on Sunset Cliffs Boulevard was blocked off as well as southbound traffic on Sea World Drive to further protect the integrity of the shooting scene.

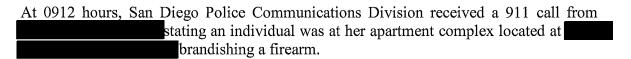
### HOMICIDE PERSONNEL AT SCENE:

Present from the Homicide Unit were Lieutenant Jorge DURAN, ID #4207, Sergeant Manuel DEL TORO, ID #4754; Detectives Jana BEARD, ID #4807, Gary GONZALES, ID #5328, and Angelica NAVARRO, ID #5413 (Internal Affairs-Relief). Crime Scene Specialists Jennifer SANDERS, ID #8392 and Joe BERNER, ID #8791 along with Criminalist Eugene LACHINMA, ID #8757 assisted from the San Diego Police Crime Laboratory in processing the evidence at the shooting scene.

Others present for the briefing included the following: Assistant Chief Cesar SOLIS, ID #3221, Captain Andrew MILLS, ID #3522, Lieutenant Bernie COLON, ID #4614, Lieutenant Brian GOLDBERG, ID #4573, Sergeant Jason WEEDEN, ID #5563 and Acting Sergeant Esmeralda TAGABAN, ID #6794.

### **BRIEFING:**

At approximately 1100 hours, after the entire Homicide team was assembled, Acting Sergeant TAGABAN briefed us on the incident. The briefing took place while standing south of the scene in the 100 block of Sea World Drive. Acting Sergeant TAGABAN essentially told us the following:



The weather conditions were clear and the temperature was 65 degrees.

Western Division patrol officers were dispatched to the call at 0912 hours. Officer John CARPENTER, ID #5429 (Unit-618J1) was the first officer to arrive at the scene. The second officer to arrive on scene was Officer Jeffrey MARTINEZ, ID #5668 (Unit-613B1) followed by Officer Bradford GREEN, ID #6820 (Unit-614B1) and Richard BUTERA, ID #5876 (Unit-621B1).

Officer KELLINGTON, ID #6384 (Unit-615J1), Sergeant Nick BORELLI, ID #4584 (Unit-621S1) and myself (Acting Sergeant TAGABAN) were also present.

The victim of the assault with a firearm (subject of the radio call) was identified as who resides at

Paramedic #20 and Engine #20 responded to the shooting scene. Medic #20 transported the suspect to UCSD Hospital. The following are the listed Paramedic personnel attached to Medic #20: Adam SWEAT, ID #AS9502, Dennis CREAMER, ID #DC3076, and Simmon KOCH, ID #SK4352. Officer Kristopher SPENCER, ID #6811 was directed to ride in the ambulance to UCSD with the suspect. The suspect made no statements at the scene nor did he make any statements in the ambulance.

The suspect was pronounced deceased by Dr. GODAT at 1044 hours.

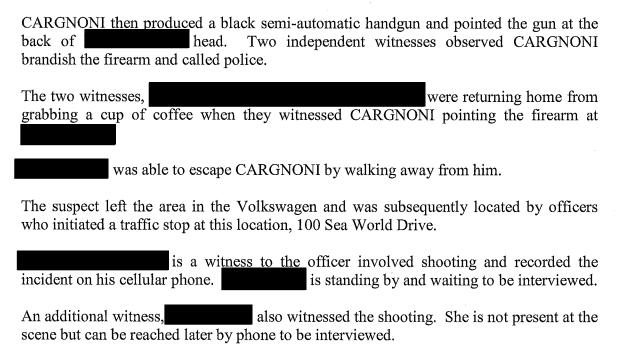
The suspect has been identified as Giacomo James CARGNONI, born October 9, 1991. CARGNONI was found lying on his back on the ground, with his head facing southbound and two gunshots to his torso.

called police to report a white male with no shirt on was pointing a gun at her neighbor. Officer CARPENTER located the vehicle near Dusty Rhodes Park, traveling northbound on Sea World Drive. Officer CARPENTER broadcast the license plate, and waited for cover. Officer MARTINEZ then arrived and a 'hot stop' was conducted at 100 Sea World Drive.

CARGNONI exited his vehicle and ran over towards the passenger side of the vehicle. CARGNONI began rummaging through items on the front seat as officers were giving lawful orders to stop. CARGNONI then went towards the trunk area of the car. CARGNONI opened the trunk of the car and began rummaging through the items inside of the trunk. CARGNONI went back to the passenger side of his vehicle and continued rummaging through the interior of the car. CARGNONI appeared to have something in his hand and appeared to be simulating he had a weapon. CARGNONI brought his hands up and pointed the object in his hand at the officers (as if taking a shooting stance).

It was at this time Officer BUTERA discharged a round with his shotgun. CARGNONI fell down and rolled on the ground. CARGNONI got back up again and continued to simulate he was armed with a weapon. The officers continued to give CARGNONI verbal commands. Officer BUTERA discharged his shotgun a second time after CARGNONI ignored the officers' commands.

What we've learned from the reporting part	ties is that CARGNONI had been temporarily
staying at	with his friend, This
morning liscovered CARGN	NONI had stolen his credit card.
found CARGNONI this morning asleep on	bedroom floor.
confronted CARGNONI about stealing his	credit card. A fight ensued and CARGNONI
armed himself with a box cutter.	
	· <u>· · · · · · · · · · · · · · · · · · </u>
CARGNONI took off his shirt during the	e fight and CARGNONI left
apartment. followed CARGN	NONI out of the apartment as he walked to his
Volkswagen.	



### **SCENE VIEWING:**

At the conclusion of the briefing, Sergeant DEL TORO assigned me to be the crime scene investigator. Crime Scene Specialist Jennifer SANDERS and Joe BERNER, along with Crime Scene Criminalist Eugene LACHIMA were assigned to assist me.

At approximately 1155 hours, CSS SANDERS began taking overall photographs of the scene. The photographs taken by SANDERS depict the scene as we found it. After my preliminary viewing overall photographs were taken, I escorted Criminalist Eugene LACHIMIA, and Detective BEARD to view the scene. After the viewing, I began processing the scene for evidence. Criminalist LACHIMIA conducted a parallel investigation. (Refer to LACHIMIA's report for further details).

At about 1310 hours, a walk-through was conducted with Officer BUTERA in an effort to determine his approximate location at the time he fired his weapon and how many rounds he believed he fired. (The walk through was digitally recorded but should not be considered a formal interview) Detective Sergeant DEL TORO conducted a formal interview with Officer BUTERA and his attorney and obtained a statement regarding the events surrounding the shooting. (Refer to Sergeant DEL TORO's report for further details of Officer BUTERA's statement).

The scene was located in the northbound traffic lanes of 100 Sea World Drive between the north end of the Sunset Cliffs Bridge and the ¼ mile exit sign for W. Mission Bay (loop) and Ingram Street exit. The scene extended to the east past the east curb line approximately 20 feet. The area to the east of the east curbline consisted of a sandy, dirt area with mature trees lining the area.

The surrounding areas were lined with additional mature trees and vegetation throughout. Bicycle pathways and recreational areas, along with the San Diego River borders the shooting scene to the south. To the north is a thoroughfare leading to Sea World Park. To the east of the shooting scene is an open space with sandy

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top soil. Further east is the bicycle pathway which parallels the San Diego River. To the west of the shooting scene are the southbound traffic lanes of 100 Sea World Drive. Beyond those southbound traffic lanes to the west are additional vegetation and recreational areas/park.

Parked along the east curbline of 100 Sea World Drive was a gray, 2012 Volkswagen Jetta. I noted the license plate attached to both the front and back of the Jetta was (It should be noted the Volkswagen was 287.3 feet north of the north end of the Sunset Cliffs Bridge - R-1).

Parked approximately 24.9 feet behind (south of) the Volkswagen Jetta was San Diego Police Department patrol vehicle #6869. (It should be noted that I obtained this measurement by marking the back bumper of the Volkswagen to the front bumper of the first patrol car behind the Volkswagen).

The Volkswagen's front driver side window was rolled down. The rear driver side window appeared to have been rolled up at the time of the shooting; however, the window was now blown out by shotgun pellets and/or fragments of the pellets from the first shotgun round fired by Officer BUTERA. Both passenger side windows were rolled down.

I noted a blue dress shirt hanging on a plastic hanger next to the rear driver side seat. I noticed a pair of gray colored dress pants hanging on the same hanger concealed within the dress shirt. I observed several tearing and holes on the right upper shoulder of the dress shirt. The tearing and holes in the shirt were consistent with shotgun pellets having traveled through the material of the shirt. (The blue dress shirt was later collected as evidence and identified as Item #11)

The driver door was open, the rear driver door was shut and both passenger doors were open. The trunk was open and entirely ajar. I observed miscellaneous clothing items along with a wicker basket strewn on the asphalt below the trunk. I observed a pair of ear buds or headphones hanging out of the trunk onto the street below. The gasoline cap positioned on the passenger side of the Volkswagen was ajar.

At 1410 hours, CSS BERNER conducted a search of the trunk area and located a black metal handgun concealed underneath loose clothing and personal items. This item was collected as evidence and identified as Item #10. The firearm bore the engraving, 'IWI' on the handle and was stamped with, 'Magnum Research' and, 'Made in Israel.' The firearm appeared to be a 9mm. It is unknown at the time of this report if the gun was loaded.

Resting on the roadway below the driver door was broken glass and a car key and keychain. The car key had the Volkswagen emblem stamped on it. (It should be noted that I later used this key to start the Volkswagen and determined it to be the corresponding key to the car.)

Found on the roadway below the driver door near the car key was two white pills. Those pills were later collected as evidence and identified as Item #6 and Item #7. (It should be noted that I measured the distance between the two pills found on the ground and they were 31.11-feet east of the cement jersey wall)

While standing outside of the Volkswagen I examined the interior of the car. I saw six white tablet pills resting on the driver seat. Those six pills appeared to be the same style of pill we located on the asphalt. Those pills were later collected as evidence and identified as Item #12. Also observed resting on the driver

seat was a pack of 'Parliament-100' cigarettes and a plastic lid for a prescription bottle. On the floorboard of the driver seat was a 'Pure Coconut Water' drinking container.

Although the rear passenger door window was rolled down, the wing window connected to that door was destroyed. The wing window does not have the capability of being rolled up or down. The broken wing window is consistent with the initial shot having been fired by Officer BUTERA towards the area of the Volkswagen and pellets striking this particular window. After further examining this area, Criminalist LACHIMIA located a mangled (shotgun) pellet resting on top of the rear passenger door wing window. This item was collected as evidence and identified as Item #8. (For further details regarding this item refer to Criminalist LACHIMIA's report).

Resting on the front passenger seat was an "Apple I-Pad" covered in a green case and an orange plastic prescription bottle. The prescription bottle contained several white tablet pills consistent in shape and size to the pills found on the driver seat and on the street below the driver door.

The glove box was opened and car shifter was in 'Park.' Miscellaneous clothing items and bags littered the interior of the Volkswagen. Two cords (believed to be electronic chargers) extended out from the front dashboard consol.

East of the east curbline, just beyond the Volkswagen were several medical intervention items strewn across the ground. A yellow hard plastic briefcase with 'San Diego Fire Department' engraved marking was also found. This was later determined to have been an item accidently left behind by Medic #20 personnel. I later learned the briefcase contained additional medical intervention tools such as medications. At 1240 hours, I released the briefcase to San Diego Rural Metro Fire Operations Supervisor, A.T. (Todd) SMITH #41349.

Intermingled with the medical intervention items, a pocket knife was also located. The knife had a black handle and a silver metal colored blade. The pocket knife was folded open and the blade appeared to be fully extended out. This knife was later collected as evidence and identified as Item #3. This appeared to be the location where the decedent came to rest after having been struck by Officer BUTERA's second shot. The decedent was not present at the crime scene due to being transported by way of ambulance to UCSD Hospital where he later died as a result of the injuries he sustained.

Approximately five feet to the east of the knife was a band of blood soaked into the sandy ground. The band of blood was listed as evidence and identified as Item #4. CSS SANDERS later collected a swab sample of the blood band as evidence.

About two feet to the east of the knife was a pair of sunglasses resting on the sandy ground. This item was collected and identified as Item #5.

Patrol car #6893, belonging to Officer BUTERA was located to the north of the shooting scene in the southbound traffic lanes, as it initially was used to block southbound traffic on Sea World Drive during the 'hot stop.' (it should be noted vehicle #6893 was parked 434 feet north of the north end of the Sunset Cliffs Bridge - R-1).

Found on the roadway just east of the driver door of Officer BUTERA's patrol car was a rubber scope cover corresponding to his shotgun. This item was collected as evidence and identified as Item-#9.

Found on the roadway on the eastside of the cement jersey wall (that divides northbound and southbound traffic lanes of 100 Sea World Drive) were two expended shotgun shell casings (Item #1 and Item #2). Those items were located in the northbound traffic lanes approximately two feet east of the jersey wall. (It should be noted that Officer BUTERA was firing his weapon from the west side of the cement jersey wall)

I later measured the distance between those two expended shotgun shell casings and determined they were 26.1 feet apart. This is consistent with Officer BUTERA firing the first shot and moving southward to obtain a better firing position and angle for the second round fired.

Items-#1-8, were photographed, measured and collected. Items-#9-11 were photographed and collected. The measurements were obtained using a laser. (Refer to photograph, scene diagram and attached measurement table for details of location) As each item was located, each individual item was assigned an evidence placard number when appropriate. Overall photographs were taken showing the relationship of each items of evidence.

Prior to the evidence being collected, when appropriate, close-up photographs were taken with the numbered placards indicating an evidence number of each item.

Crime Scene Specialist SANDERS and BERNER collected the items of evidence by using standard acceptable procedures and later transported the evidence to the police laboratory for impounding.

At 1318 hours, I gave Detective Sergeant DEL TORO the car keys which belonged to Officer BUTERA's patrol car. I did this so Sergeant DEL TORO and CSS SANDERS, along with Criminalist LACHIMIA could collect Officer BUTERA's shotgun. At the time, Officer BUTERA's shotgun was secured inside of his patrol car, locked in the shotgun rack within the patrol vehicle.

At 1340 hours, Officer Douglas CAMPBELL, ID #6193 arrived to assist with providing jumper cables to start Officer BUTERA's patrol car. It appeared Officer BUTERA's patrol car battery had died as I noted his light bar switch was in the Code-3 position, but his lights were off and his car would not start on its own. Once the patrol car battery was charged and vehicle ignition activated, CSS SANDERS and Criminalist LACHIMIA collected the "Benelli" shotgun from Officer BUTERA's patrol car.

At 1440 hours, the Volkswagen was towed from the shooting scene and transported to Traffic Division followed by Officer Jeremy MARGOLIS, ID #6492. The Volkswagen was processed the following day by CSS SANDERS and me. (Refer to vehicle processing report for details).

CSS SANDERS, BERNER and I checked the area for evidence. None was located. I secured the scene at approximately 1503 hours.

The following chart lists the items taken and their approximate location at the crime scene.

# **EVIDENCE MEASUREMENTS:**

Legend:

R1:

South end of Sunset Cliffs Bridge (All items are north of R-1)

R2:

East of the cement jersey wall at 100 Sea World Drive (All items are east of R-2)

HT:

LOS: Line of sight measurement

ITEM	DESCRIPTION	R1	R2	R3	R4	R5	R6	HT
#								
1	One (1) shotgun cartridge shell	264'	2'6"					
	*second shot fired							
2	One (1) shotgun cartridge shell	290'10"	1'6"					
3	One (1) folding knife	287'2"	44'7"					
4	Blood band on dirt	286'5"	50'4"					
5	Sunglasses	284'5"	52'4"					
6	One (1) pill	295'	31'11					п.
7	One (1) pill	295'8"	32'07"					
8	One (1) shotgun pellet	292'7"	39'3"					
9	Scope cover							
10	One (1) Handgun / 9mm *In							
	Volkswagen							
11	One (1) Blue dress shirt *In							
	Volkswagen							

Reporting Sergear	nt Christopher LEAHY		I.D.	5869	Homicide Team:	V
Approved by:	8Y-10C	$\frac{4754}{13}$ Date of this re	eport:	06/03/2013	Time: _	1745 Hours
	DG/06	113				

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# SAN DIEGO POLICE DEPARTMENT INVESTIGATOR'S REPORT

**DATE** (occurrence):

June 2, 2013 (Sunday)

TIME (occurrence):

0922 Hours

LOCATION:

100 Sea World Drive

**SUBJECT:** 

Inc #13060000530

OIS/Special Investigation – SDPD Case #13-021594

Officer BUTERA, Richard ID #5876, P.O. II.

**245(a)(2) PC, ADW (Gun) – SDPD Case #13-021595** Victim: Officer BUTERA, Richard ID #5876, P.O. II.

Suspect: CARGNONI, Giacomo James, W/M (21), DOB: 10-09-91

## **MORGUE SCENE:**

On June 1, 2013, Giacomo CARGNONI was shot and killed by SDPD Officer Richard BUTERA, #5873, after CARGNONI simulated holding and pointing a firearm at police officers during a vehicle 'hot stop.' CARGNONI's aggressive behavior prompted a response by police to the perceived threat and Officer BUTERA discharged two rounds from his Benelli shotgun at CARGNONI.

On January 2, 2013, beginning at approximately 0930 hours, Detective Gary GONZALES, #5328, and I were witnesses to the autopsy of Giacomo CARGNONI at the San Diego County Medical Examiner's office. Deputy Medical Examiner Dr. MORHAIME conducted the autopsy. Forensic Assistant Fabian KING assisted Dr. MORHAIME. Crime Scene Specialist Jennifer SANDERS, #8392, photographed the proceedings and collected evidence.

Prior to the examination of CARGNONI, his body was x-rayed to determine the presence and location of any projectiles or broken bones. Dr. MORHAIME told me she observed six projectiles lodged inside of the decedent after viewing the x-rays.

The decedent was first observed contained in a white zippered body bag on an examining bay table. The bag was sealed with a red tamper proof seal bearing number 2390736. The case was assigned Medical Examiner case number 13-1284.

SANDERS began taking overall photographs of the body bag in which the decedent was incased. Dr. MORHAIME then broke the red seal and exposed the decedent who was laying supine on the table. SANDERS then took additional photographs of the decedent in his present condition and continued doing so until the conclusion of the autopsy.

The decedent's head, and feet were covered with brown paper bags while white paper bags covered the decedent's hands. These items were later removed from the decedent and was collected by SANDERS

There were signs of medical intervention efforts, most notably electro-cardio adhesive pads on the decedent's chest, an air way device in his mouth and brace around his neck. These items were discarded.

The decedent was unclad, however a pair of black 'Live Strong' sweatpants and underwear were recovered from within the white zippered bag. The sweatpants appeared to have been cut off the

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Investigator's Report

Morgue Scene: CARGNONI, Giacomo Case #13-021594 and #13-021595

Page 2

decedent, most likely by medical personnel during life saving efforts. These items were collected by SANDERS.

The decedent wore no jewelry. The decedent had no tattoos.

SANDERS conducted fingernail scrapings and collected the matter. SANDERS also collected an oral swab, and head hair sample from the decedent.

KING then washed the decedent. After the decedent was washed, SANDERS photographed the decedent in his present condition. I then began to closely observe the decedent as Dr. MORHAIME viewed and examined him for wounds and irregularities. The viewing commenced with the decedent's head and face.

The decedent appeared to be a Caucasian male consistent with the stated age of 21 years. He was approximately 69 inches tall and weighed approximately 160 pounds. He had brown hair and brown / hazel colored eyes. His hair length was approximately 1 to 1.5 inches long. He was freshly shaved and was otherwise well groomed.

### THE FOLLOWING TRAUMA WAS NOTED:

The decedent's entire body was viewed by Dr. MORHAIME and me. The following is what I observed that was of note:

Seven (7) penetrating gunshot wounds and four (4) perforating gunshot wounds were located on the decedent's upper chest that measured approximately seven inches in width and eight inches in length.

There were four (4) corresponding exit wounds on the mid to upper right side of the decedent's back the pattern of which was approximately four inches in length. There was a visible injury to the side of the decedent's left chest and inside left arm near the elbow. Those injuries corresponded when the decedent was in the supine position and after further examination were determined to be a grazing wound caused by a shotgun pellet.

The decedent had a penetrating gunshot wound on the inside of his right arm below the elbow.

There were small abrasions to the decedent's face below his left eye, and two abrasions on the decedent's forehead and an abrasion on the right cheek.

Abrasions were observed on the back of both upper shoulders.

There was a small abrasion on the inside of the decedent's left arm.

There were abrasions on the decedent's left leg below the knee and additional abrasions above the left ankle on top of shin area.

There were abrasions noted on the decedent's right knee and on the right big toe. The injury to the toe had dried blood around it.

Dr. MORHAIME located and recovered three (3) projectiles from the back of the decedent as she was able to feel the pellets with her hands as she touched the decedent's back.

Investigator's Report Morgue Scene: CARGNONI, Giacomo Case #13-021594 and #13-021595 Page 3

Dr. MORHAIME located and recovered three (3) projectiles from the chest cavity area of the decedent. Dr. MORHAIME located and recovered a seventh projectile lodged in the decedent's right arm.

CSS SANDERS took custody of those seven (7) projectiles and collected them as evidence.

Dr. MORHAIME informed me the cause of death was shotgun wounds to the torso region which caused injury to the heart and lungs and various vital organs. Dr. MORHAIME told me the shotgun pellets struck the decedent's right lung, heart, liver, stomach and spleen. The manner of death was ruled a homicide.

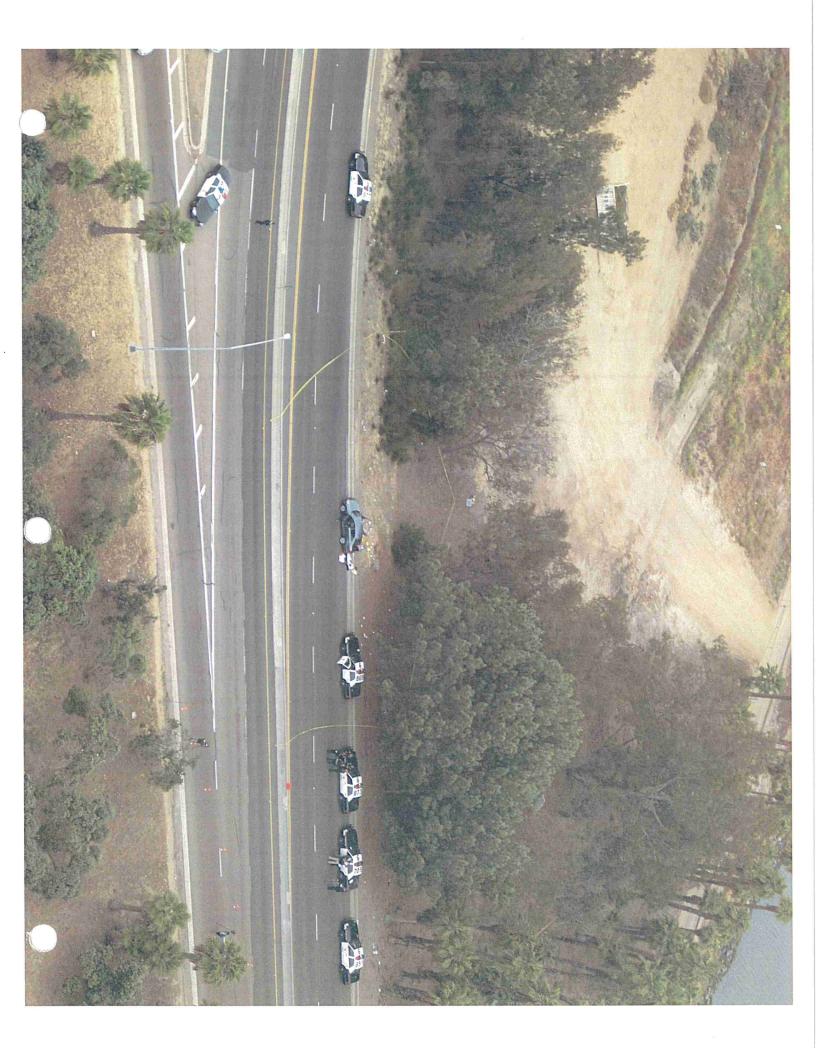
I concluded my observation of the autopsy at this point. I left the Medical Examiner's Office at approximately 1605 hours.

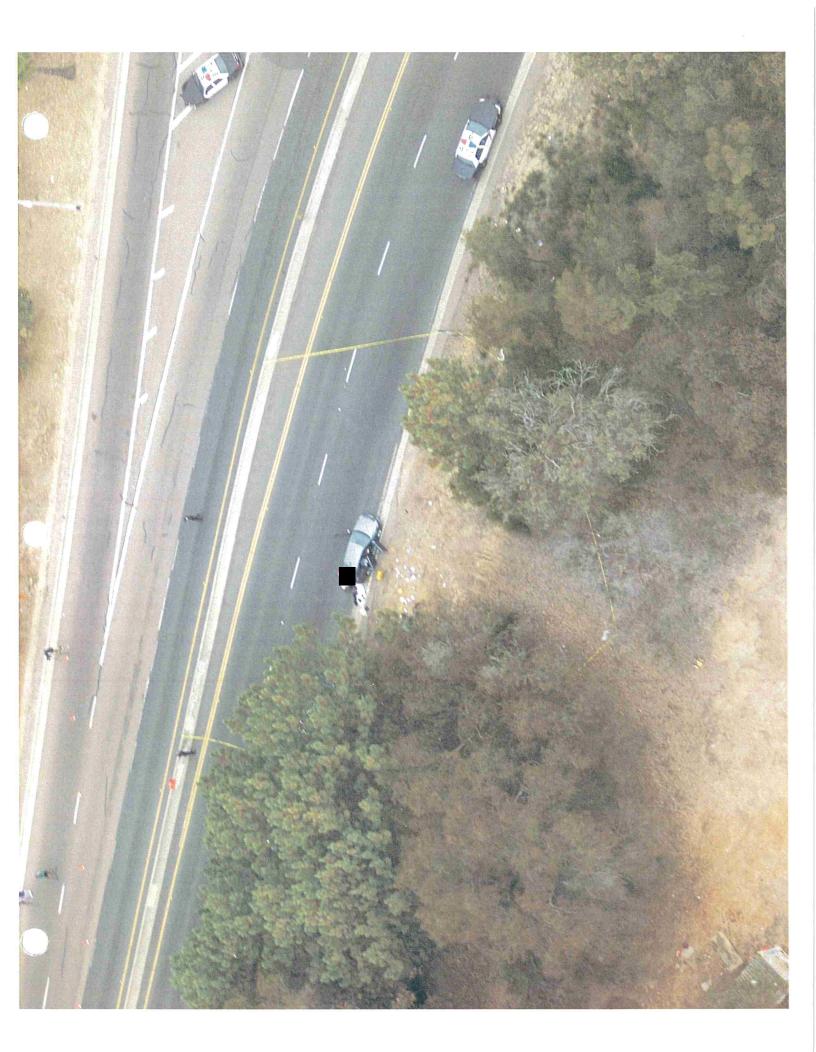
Reporting Detective Christopher L FAHY I.D. 5869 Homicide Team: V

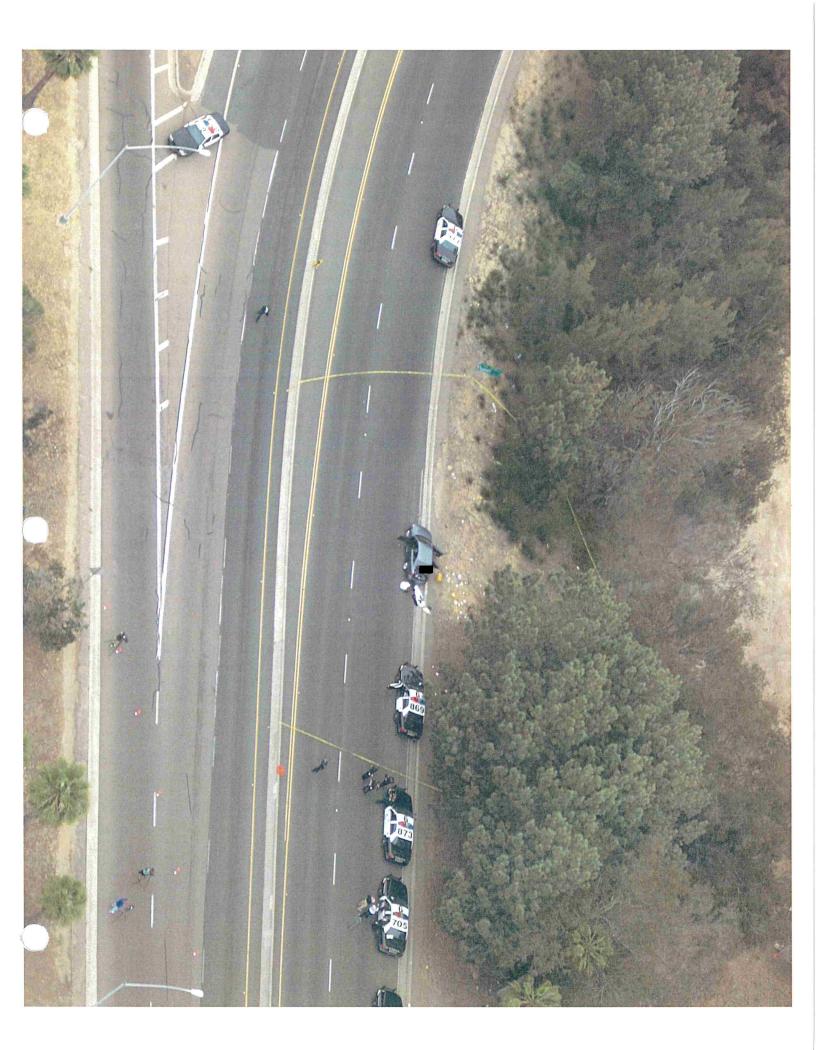
Approved by: 

October 1.54

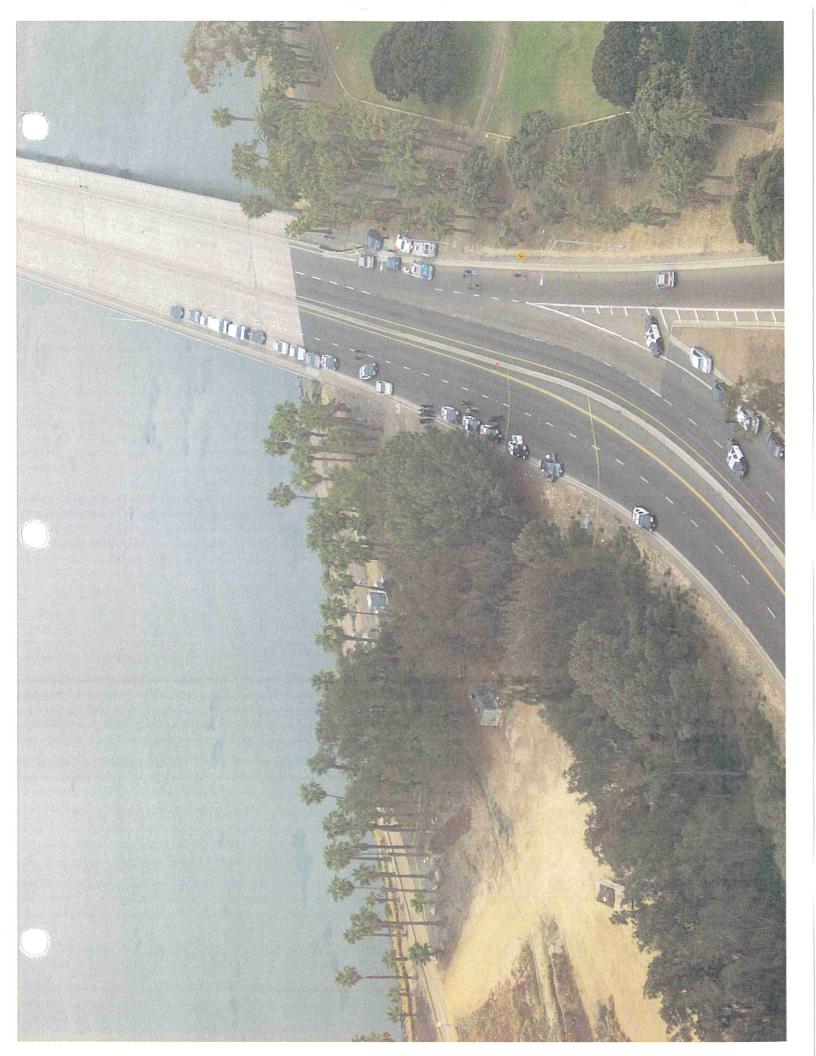
Date of this report: 06-04-2013 Time: 0630 Hours







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# SAN DIEGO POLICE DEPARTMENT INVESTIGATOR'S REPORT

**DATE** (occurrence):

June 1, 2013

TIME (occurrence):

0922 Hours

LOCATION:

100 Sea World Drive (North Bound)

**SUBJECT:** 

Inc #13060000530

OIS/Special Investigation – SDPD Case #13-021594

Officer BUTERA, Richard ID #5876, P.O. II.

**245(a)(2) PC, ADW (Gun) – SDPD Case #13-021595** Victim: Officer BUTERA, Richard ID #5876, P.O. II.

Suspect: CARGNONI, Giacomo James, W/M (21), DOB: 10-09-91

SUBJECT INTERVIEWED:

Sergeant Nicolas BORRELLI #4584

DOB: W/M,

San Diego Police Department

Western Division

# **WITNESS STATEMENT:**

On June 1, 2013, at approximately 0945 hours, I received a telephone call from Team V Homicide Sergeant M. Del Toro, #4754, informing me there had been an officer involved shooting. He directed me respond to 100 Sea World Drive. I arrived at the location at 1030 hours. At approximately 1100 hours an incident briefing was given by Acting Sergeant E. TAGABAN #5794. After the briefing, I was assigned to conduct witness interviews. I interviewed Sergeant Nicolas BORRELLI #4584 at Western Division at 1411 hours. My interview with Sergeant BORELLI was audio recorded and was obtained privately. Sergeant BORELLI in essence told me the following. Refer to the audio recording for his verbatim statement:

It was around 0920 hours this morning when I heard a call of a 417 PC with a gun (brandishing a firearm) at I heard over the radio that A/Sgt E. Tagaban was on her way to the call. It was a slow morning, so I decided to head to the area to help look for the suspect's vehicle. I was driving westbound Sea World Drive when I heard Officer Carpenter state over the air (police radio) that he located a possible suspect vehicle traveling north bound on Sunset Cliffs Blvd which was described as a gray Volkswagen. Sunset Cliffs Blvd turns into Sea World Drive after the Sunset Cliffs bridge. I was driving south bound on Sea World Drive. Officer Carpenter and I were driving in opposite directions and towards each other. There is a jersey wall that divides the four lanes of traffic. I saw Officer Carpenter pass me in the opposite direction. There were at least two police vehicles following the gray car. I drove to the I-8 intersection and made a U-turn. I sped up, so I could catch up but by that time, the officers had announced they were stopping the vehicle and had begun the hot stop.

When I arrived on scene there were four patrol vehicles on the right shoulder. I positioned my vehicle across the lanes of traffic so cars could not go by during the hot stop. I exited my car and began walking toward the stop. I could hear the officer giving the suspect commands. I heard the officers say, "put your hands up, exit the vehicle". I saw the driver exit the vehicle with his hands straight in

Investigator's Report

Witness: BORRELLI, Nicolas

Page 2

the air. I saw him spin round with his hands still in the air and face the officers. The driver then spun around facing away from the officers. I think he briefly walked backwards but I am not too sure because I was walking toward the hot stop. I am going to assume it was Officer Carpenter giving the driver commands because he was the first one to initiate the stop. The driver was initially cooperating and following the commands given by the officers. After the driver turned away from the officers, he ran back to the driver's side door.

The driver was later identified as Giacomo CARGNONI.

The next thing I noticed was Officer BUTERA running west bound on Sea World Drive toward the stop. He was running down the west bound lanes and had not cleared the jersey wall. Officer BUTERA positioned himself next to the vehicle but was still behind the jersey wall. He used the jersey wall for cover. By this time I had made my way up to the trunk of the patrol vehicle positioned in position number one. I could hear the officers yelling at CARGNONI and yelling out something about a gun. CARNGONI was not cooperating. I could see CARGNONI at the trunk of his vehicle throwing things out. I could hear all four offices yelling at him. The officers made reference to a gun and told CARGNONI to put his hands up but he refused to cooperate. The CARGNONI continued to take things out of his trunk and I could still hear the officers give commands to him. I wasn't yelling; I was just watching.

CARGNONI then went over to the passenger side of his vehicle and opened the front passenger door and began rifling through it. The officers continued to yell out commands. CARGNONI came out of the car and had something in his hands. I am not sure what he had. CARGNONI took a shooting stance. He was standing next to the right rear passenger door. His arms were extended out, his knees were buckled and whatever he had in his hands was pointed at the officers. I couldn't tell what CARGNONI had in his hands. Because CARGNONI had taken a shooting stance and the nature of the original call made reference to a gun; I assumed what CARGNONI was holding was a gun.

I took cover behind the trunk of the patrol vehicle. I didn't have a clear shoot of CARGNONI because there were four officers in front of me. I decided not to draw my handgun. The officers were yelling to CARGNONI to drop his gun. CARGNONI refused to comply, and then I heard a gunshot. After the gunshot, I saw CARGNONI move seven to ten feet into the brush area. I think it was the gunshot that carried him over there. It didn't appear that CARGNONI dropped from the gunshot because he walked back and began to lean over to pick up what he had dropped and that's when I heard the second gunshot. CARGNONI then fell to the ground.

I believed it was Officer BUTERA who had shot the shotgun, but I still decided to ask the other officers if anyone else had shot their weapons. Officer BUTERA was the only one who fired a weapon. I could see both Officer BUTERA to my left and CARGNONI to my right. After Officer BUTERA shot off his first round he moved his position several feet south of where he was standing but continued to stay behind the jersey wall and fired the second shot from there. After the second shot CARGNONI went down. The officers and I approached as a team. CARGNONI was face up and had to be turned over in order to be handcuffed. One of the officers stated he could feel a faint pulse and therefore Officer RADASA began CPR. I called for paramedics and began to manage the scene.

Investigator's Report

Witness: BORRELLI, Nicolas

Page 3

Officer BUTERA placed the shotgun back in his patrol vehicle. He told me he did not unload the shotgun before placing back into his vehicle. I heard all the officers yelling at CARGNONI. I can't say if I heard Officer BUTERA specifically.

I was not in a position to fire my weapon because I had four officers in front of me. I think I would have fired if I was in a better position to. I believed CARGNONI had a gun. That is why I took cover behind the trunk of the police vehicle.

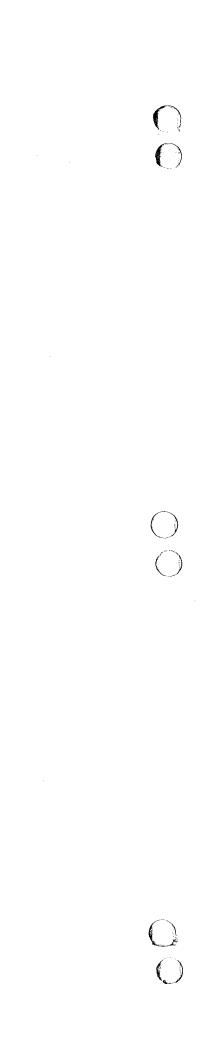
I concluded my interview with Sergeant BORRELLI at 1424 hours.

Reporting Detective A. NAVARRO I.D. 5413 Homicide Team: Relief

Approved by:

Time: 0900 Hours

Buto 801 Betor 2 Sex 8 N. Borrelli 4/1/2013



OFFICE USE O	NLY	FORENSIC SCIENCE SECTION San Diego Police	CRAS SCHOOLS, AGRADAY	CASE PRIORITY		
Examiner's Initials:  Examiner's ID #:		Department		☐ Prelim Date:		
Date of assignment: # of items processed: Developed Latent Prints:	Yes No	LATENT PRINT DEVELOPMENT WORK REQUEST		Attorney Information (Mandatory for Prelim or Trial)  DDA: Phone:		
Today's Date: June 10, 2013  Case <i>and</i> Incident #: #13-021594 // Inc. #13060000530 Charge: 245 P.C.  Additional Case and/or Incident #'s: #13-021595 // Inc. #13060000530 Series Related: Yes No						
Victim (s): BUTERA  Suspect (s): CARGNO	, Richard #5876 DNI, Giacomo DOB:	10/09/1991				
Requesting Detective: Leahy ID # 5869  Requesting Detective's Division: Homicide Mail Station: 713 Phone #:  Requesting Detective's E-Mail (Required):						
BARCODE NUMBER AND DESCRIPTION MUST BE LISTED BELOW INCOMPLETE FORMS WILL BE RETURNED TO THE REQUESTER ITEMS ANALYZED AND METHODS USED ARE AT THE DISCRETION OF THE LABORATORY						
Crime Scenario (brief description of events, or circumstances leading to collection and processing):  During a traffic stop on a 245-gun vehicle, the suspect, CARGNONI, threatened officers and was shot and killed by police.						
Barcode / PT #	Item #	Item Description		DNA Requested?		
10233622	3	Knife	yya banda ka ka sana a ka	Yes No No		
10233630	10	Gun		Yes		
-				Yes No No		
Evidence was/will be rel Examiner: Title: Crime Scene		oom/Narcotics Vault on/after:  Technical Review By:  Administrative Review By:		Date:		

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# SAN DIEGO POLICE DEPARTMENT

# Forensic Science Laboratory DNA Request Form



If emailed, must be sent as attachment to: labrequests@pd.sandiego.gov

(As more information is added, form will expand to 2<sup>nd</sup> page)

	(735 111	ore information is added	, tottii wiii expan	a to 2 page)	
Victim(s):	BUTERA, Richa	rd #5876			Case Priority:
Suspect(s)	: CARGNONI, Gia	acomo		Lead	☐ Issuing
Incident #:	13060000530	Case #:	13-021595	Prelim	i.
Date of		Today's		   Trial	
Crime: Requestor Name and ID #:	06/01/2013 Leahy #5869	Date: 06/ Investigativ Unit:	10/2013 e Homicide / Team-V	A	ttorney Information: atory for Prelim or Trial)
Phone #:	M.S. #	713 Cha	arge(s): 245 P.	Phone:	
R	Request for ALPS co	D METHODS USED A emputer or latent print of otion of events, or for	comparisons mu	ist be submitted c	on form PD-299
During a traf	ffic stop on a 245-gur	vehicle, the suspect, C	ARGNONI, threat	ened officers and w	as shot and killed by
<u>PT/I</u>	ne Evidence to be Barcode # 0233622 0233630	DNA Tested:  Item #  3  10	<u>lte</u>	m <u>Description</u> Knife Gun	
		DNA sample was obtaine he firearm recovered fro			
		ilable suspect(s) and ofile in the CODIS database doe		ed to collect a reference	sample.
Name:	CARGONI, Giacom	o PT/Barcode:	10233649 I	tem #: 26	⊠(S) □ (V)
				tem #:	
Name:		PT/Barcode:		tem #:	(S)
	Sergear	nt Name: M. DEL To	ORO Ph	one #:	

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Sgt Name:

## SAN DIEGO POLICE DEPARTMENT

# Firearms Unit Laboratory Request Form



If emailed, must be sent as attachment to: labrequests@pd.sandiego.gov

1											
Victim(s):	BUTERA, Ric	BUTERA, Richard #5876							Ca	ise Priori	.ty:
Suspect(s):	CARGNONI,	Giacomo						Lead		Issuing	
Incident #	1306000053	Case #:	13-021	595	Charge(s):	245 P.C.		Prelim.		Date:	
Date of Occurrence:	June 1, 2013	Today's	s Date:	•	June 10,	2013		Trial		Date:	
Detective (Name & ID):	Leahy #5869			Unit	: Homicić	le / 1652D				ey Infori	nation: im. or trial)
Phone#:				M.S.#	713			DDA:			
Émail:								Phone:			
PT/Barcode(s)	to Examine: 10	233622 &	102336	30							
(Please attach of ITEMS A	ANALYZED AN	D METHC	DS USE								
GUNS—spec Type Semi Au Pistol	* * * * * * * * * * * * * * * * * * *		ke/Mode	el	Calibe			Item # 10		Semi-a Revolv Rifle Shotgu	
CARTRIDGE CASES (fired) – specify quantity and caliber Caliber if known  # of cartridges  BULLETS (fired) – specify quantity and caliber Caliber if known  # of bullets											
Other evidence	ce: Folding poo	eket knife			Ite	m #					
Service Requetc.) Comp	ested: (Bullet/oare to any outstantry will be done case as evide	cartridge anding cas e on all a	ses and d	etermir d firear	ne ownershi	p. that have a	a Se	emi-auto	oma	itic wea	pon or a

Phone Number:

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## SAN DIEGO POLICE DEPARTMENT FORENSIC SCIENCE SECTION FIREARMS UNIT LABORATORY REPORT



VICTIM:	SDPD Officer Richard BUTERA, ID #5876
SUSPECT:	CARGNONI, Giacomo (Deceased)
CHARGE:	O.I.S. Special Investigation / 245(a)(2) PC
CASE #:	13-021594
INCIDENT #:	13060000530
<b>HOMICIDE TEAM 5:</b>	Sergeant M. Del Toro/Detective C. Leahy
DATE OF INCIDENT:	June 1, 2013 (Saturday)
SCENE LOCATION:	100 Sea World Drive
CRIME SCENE SPECIALIST:	Jennifer C. Sanders
CRIMINALIST:	Eugene LaChimia

## **EVIDENCE EXAMINED:**

One Benelli, model M4, semiautomatic 12 gauge shotgun, serial # and one black bandoleer containing "Federal Premium Tactical" rifled slug shotshells and "Federal Premium Tactical" 00 Buck shotshells, all from Officer Butera

#### **RESULTS AND CONCLUSIONS:**

The Benelli shotgun was received with the hammer cocked, the bolt closed, the manual safety on, a shotshell in the chamber and four shotshells in the tubular magazine. The shotshells in the magazine and chamber, "Federal Premium Tactical" 00 Buck, were consistent with Department ammunition.

This evidence

indicated that two shotshells had been fired from the shotgun. The shotgun was testfired and found to operate normally. Details of all examinations are on file in the laboratory.

#### **DISPOSITION OF EVIDENCE:**

The shotgun and bandoleer were released to Crime Scene Specialist Sanders. The Firearms Processing Packet for the shotgun was entered into the evidence barcode system (Barcode 10233661) and taken to the Property Room.

Eugene J. LaChimia, ID# 8757 Criminalist June 4, 2013

Technical Review: Date: 05 June B

Administrative Review: Date: b-6-13



## SAN DIEGO POLICE DEPARTMENT FORENSIC SCIENCE SECTION CRIME SCENE RECONSTRUCTION REPORT



VICTIM: SDPD Officer Richard BUTERA, ID #5876

SUSPECT: CARGNONI, Giacomo (Deceased)

CHARGE: O.I.S. Special Investigation / 245(a)(2) PC

**CASE #:** 13-021594 **INCIDENT #:** 13060000530

**HOMICIDE TEAM 5:** Sergeant M. Del Toro/Detective C. Leahy

DATE OF INCIDENT:

SCENE LOCATION:

CRIME SCENE SPECIALIST:

CRIMINALIST:

June 1, 2013 (Saturday)

100 Sea World Drive

Jennifer C. Sanders

Eugene LaChimia

See the Firearms Lab Report by Criminalist LaChimia dated June 4, 2013.

#### **BACKGROUND**

On June 1, 2013, at approximately 0940 hours, I was contacted by Sergeant Manny Del Toro and informed of an officer-involved shooting in the area of Sea World Drive and West Mission Bay Drive. I arrived at the scene, 100 Sea World Drive, at approximately 1050 hours.

The following is a synopsis of the briefing information provided by SDPD Sergeant Tagaban:

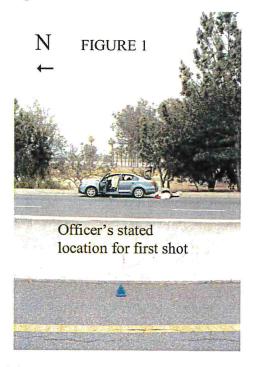
A call came into SDPD that the suspect in this case had threatened another man with a gun at an address on Sunset Cliffs Boulevard. The suspect left this area in a silver-gray Volkswagen, and was pulled over by SDPD at 100 Sea World Drive. The suspect exited the vehicle and began rummaging through the passenger's side of the vehicle, the trunk and again the passenger's side of the vehicle. Officers were shouting commands to the suspect during this time. The suspect then brought up and pointed his hands with what appeared to be a weapon. Officer Butera then fired at the suspect from the other side of the median on Sea World Drive. The suspect went down, rolled and got up again. He again simulated holding a weapon as officers continued shouting commands. Officer Butera fired again, and the suspect went down. His head was to the south and feet to the north. He was transported to the hospital and died. A witness had video recorded this incident on his cell phone.

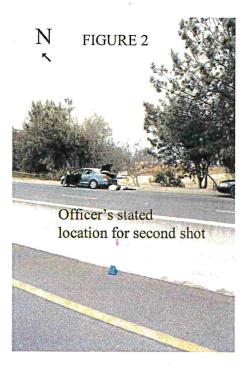
The following information was provided by Officer Butera during his walk-through:

Officer Butera approached the scene in his patrol vehicle from the north. He was positioned and fired to the east at the suspect with his shotgun from the west side of the median wall on Sea World Drive. The suspect was standing just outside of the passenger's side rear door of the vehicle when Butera first fired. He fired through the windows of the rear doors. The officer then moved to the south and again fired at the suspect who was then located slightly to the east and south. The stated locations of the officer and suspect when the shots were fired were noted for each shot. See Figures 1 and 2.

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## CRIME SCENE REPORT Case # 13-021594 Page 2 of 4





## SCENE DESCRIPTION See Figure 3

This incident took place on a divided four lane road which runs north-south. The suspect's vehicle was parked next to the curb on the east side of the northbound lanes. Officer Butera's patrol vehicle was parked in the southbound lanes, north of the suspect's vehicle.

## **OBSERVATIONS**

Two shotshell cases (00 Buck) were located just east of the center wall at 100 Sea World Drive. The suspect's vehicle, a gray Volkswagen Jetta 2.5, California license was parked across the road from the shotshell cases, on the east side of the northbound lanes. A scope cover was located in the southbound lanes just south of Officer Butera's patrol vehicle.

The driver's door, both passenger's side doors, and the trunk of the suspect's vehicle were open. Clothing and other debris were located on the ground at the rear of the vehicle. The driver's side rear door was closed. The glass from the main window of the driver's side rear door was broken out of the frame, but the quarter window of this door was intact. Glass fragments were present both inside and outside the vehicle in this area. A shotshell wad was located on the rear driver's side floorboard. A blue button down shirt hanging on a hanger next to the driver's side rear door window was perforated with multiple apparent missile holes. The window of the passenger's side rear door was mostly down and intact. The quarter window of the passenger side's rear door was shattered, and some of the glass was broken out. An apparent missile strike was located on the edge of the passenger's side rear door interior frame next to the quarter window. Also, an apparent deformed lead pellet was located on the bottom edge of the frame of this quarter window.

CRIME SCENE REPORT Case # 13-021594 Page 3 of 4

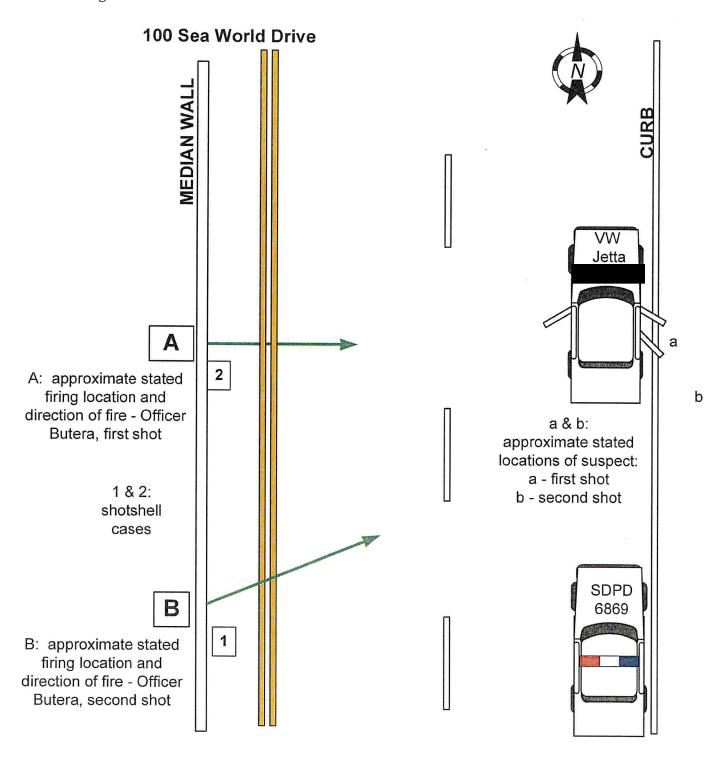


FIGURE 3 (not to scale)

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CRIME SCENE REPORT Case # 13-021594 Page 4 of 4

A black semiautomatic handgun was later found in the trunk of the suspect's vehicle.

Apparent bloodstains with downward direction were located on the ground just east of the rear of the suspect's vehicle. A knife was located to the east of these apparent bloodstains. The approximate location of the suspect when the second shot was fired, according to Officer Butera, was in close proximity to the knife. Apparent transfer bloodstains and a larger apparent blood pool were located to the east and slightly south of the knife.

Examination of Officer Butera's shotgun, a Benelli model M4 with a scope, revealed that Butera fired two shots. For further details, see the Firearms Lab Report, dated June 4, 2013.

#### **AUTOPSY INFORMATION**

The following information was obtained from Crime Scene Specialist Sanders, Sergeant Del Toro and from review of the autopsy photographs. The autopsy was performed by Doctor Morhaime on June 2, 2013. The suspect sustained seven penetrating gunshot wounds and four perforating gunshot wounds which exited the back. The shotgun pellets from the penetrating wounds were collected from the chest (3), back (3) and right arm (1). The spread of the gunshot wounds to the upper chest was approximately seven inches wide and eight inches in length. Pellets had struck the heart and lungs. See the report by Doctor Morhaime for further details.

#### CONCLUSIONS

Based on the evidence from the scene, viewing of the cell phone video, the examination of the officer's shotgun and the autopsy information, the following conclusions can be made:

The evidence indicates that Officer Butera fired his shotgun twice from the vicinity of the median wall in a general easterly direction at the suspect. The pellets from one shot perforated the driver's side rear door window and the blue shirt hanging near the window. The pellets then traveled to the passenger's side rear door and struck the quarter window and the door frame around the quarter window. A number of pellets from this shot likely traveled through the open main window of this door and struck the suspect. The other shot from Officer Butera came from the vicinity of the median wall at a location south of where he fired into the vehicle. It appears that pellets from this shot also impacted the suspect.

The evidence from the scene and Officer Butera's shotgun are consistent with his stated firing locations.

Eugene J. LaChimia, ID# 8757

Criminalist

June 12, 2013

Technical Review: Date: 6/12-13

Administrative Review: Date: 6 12-13



## SAN DIEGO POLICE DEPARTMENT FORENSIC SCIENCE SECTION



#### CRIME SCENE UNIT LABORATORY REPORT

VICTIM:

SUSPECT:

CHARGE: **INCIDENT #:** 

CASE #:

**HOMICIDE TEAM 5:** 

DATE OF INCIDENT: SCENE LOCATION:

**CRIME SCENE SPECIALIST:** 

**CRIMINALIST:** 

BUTERA, SDPD Officer Richard

CARGNONI, Giacomo

Special Investigation (OIS)/245(a)(2) PC

13060000530

13-021594/13-021595

Sergeant M. Del Toro/Detective C. Leahy

June 1, 2013 (Saturday) 100 Sea World Drive Jennifer C. Sanders

Eugene LaChimia

#### CRIME SCENE UNIT REPORT 1

#### Scene

I arrived at the scene located at 100 Sea World Drive on June 1, 2013, at approximately 1030 hours. I met Detective Leahy (case agent), ID #5869, the members of Homicide Team 5, Criminalist Eugene LaChimia, ID #8757, and Supervising Crime Scene Specialist Joe Berner, ID #8791, at this location. I took digital images #1 through #297, starting at approximately 1152 hours. I collected items of evidence starting at approximately 1345 hours.

## Photography

#1:

View of the "Sunset Cliffs Blvd Bridge" sign.

#2 - #27:

Views of 100 Sea World Drive, facing north.

#28 - #51:

Views of 100 Sea World Drive, facing south.

#52 - #78:

Views of 100 Sea World Drive, facing north.

#79 - #112:

Views of 100 Sea World Drive, facing south.

#113 - #120: Views of the Toyota Camry with California license plate number

parked on the east side of the northbound lanes, south of the crime scene.

#121 - #137: Views of 100 Sea World Drive, facing west.

 CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 2 of 11

#138 - #157: Views of 100 Sea World Drive, facing east.

#158 - #165: Views of the patrol vehicles parked in the northbound lanes.

#166: View of the suspect's vehicle in relation to the patrol vehicles.

#167 - #168: Views of patrol vehicle 68936.

#169 - #170: Views of patrol vehicle 6874<sup>6</sup>.

#171 - #178: Views of patrol vehicle 6893<sup>6</sup> in relation to the scene.

#179 - #184: Views of the interior of patrol vehicle 6893<sup>6</sup> and the shotgun locked in the rack.

#185 - #202: Views of the exterior of the suspect's vehicle (Volkswagon Jetta with California

license plate number the surrounding, the contents of the trunk and the surrounding

scene.

Photographs #203 through #230 were taken of the suspect's vehicle.

#203 - #204: Views of the broken rear driver-side window.

#205 - #209: Views of the interior of the vehicle.

#210: View of the open passenger-side doors.

#211 - #218: Views of the interior of the vehicle.

#219 - #225: Views of the broken rear passenger-side wing window.

#226 - #230: Views of the broken rear driver-side window and the shirt hanging inside.

#231 - #236: Views of the exterior of patrol vehicle 6893<sup>6</sup> and the trunk contents.

#237 - #241: Views of the approximate locations of Officer Butera (pink flags) and the suspect

(orange flags).

#242 - #248: Views of the line of sight from Officer Butera's approximated locations.

#249 - #253: Views of the line of sight from the suspect's approximated locations.

CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594

June 10, 2013 Page 3 of 11

#254 - #262: Location views of the evidence items identified by placards 1 through 9.

#263: View of the shot shell case (placard 1).

#264: View of the shot shell case (placard 2).

#265: View of the knife (placard 3).

#266: View of the apparent blood (placard 4), from which a sample was collected.

#267 - #268: Views of the sunglasses (placard 5).

#269: View of the pill (placard 6).

#270: View of the pill (placard 7).

#271: View of the shot pellet (placard 8).

#272: View of the lens cover (placard 9).

#273 - #288: Views of the officer's shotgun and bandoleer, after they were removed from the

patrol vehicle.

#289 - #290: Location views of the evidence items identified by placards 10 and 11.

#291 - #295: Views of the handgun (placard 10).

#296: View of the shirt (placard 11).

#297: View of the street after the suspect's vehicle was towed away.

## Evidence

Placards 1 and 2 were collected from the street along the center median of the northbound lanes.

10233620: One "FEDERAL PREMIUM TACTICAL 9 00 BUCK" shot shell case (placard 1)

with headstamp "12 GA MADE IN USA."

10233621: One "FEDERAL PREMIUM TACTICAL 9 00 BUCK" shot shell case (placard 2)

with headstamp "12 GA MADE IN USA."

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CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 4 of 11

Placards 3 through 5 were collected from the dirt embankment on the east side of the northbound lanes, east of the suspect's vehicle.

10233622: One "OSBORNE" black handled folding knife (placard 3). The knife was open

when collected.

10233623: One swab of apparent blood (placard 4).

10233625: One pair of black and silver, dirty sunglasses (placard 5).

Placards 6 and 7 were collected from the street, underneath the driver door of the Volkswagon Jetta with California license plate number (suspect's vehicle).

10233626: One white round pill (placard 6) inscribed with a scripted "R" and "35."

10233627: One white round pill (placard 7) inscribed with a scripted "R" and "35."

10233628: One shot pellet (placard 8). This item was collected from the ledge of the rear

passenger-side window of the suspect's vehicle.

10233629: One black "AIMPOINT" lens cover (placard 9). This item was collected from the

street in the southbound lanes, south of patrol vehicle 6893<sup>6</sup>.

Placards 10 and 11 were collected from inside the Volkswagon Jetta with California license plate number (suspect's vehicle).

10233630: One "IWI DESERT EAGLE PISTOL 9mm" handgun (placard 10) with serial

number This item was collected from inside the trunk, after a search

was conducted.

10233631: One size "16 32-33 R" blue "theory" long sleeved, button up dress shirt (placard

11) with numerous holes. This item was collected from the hanger, hanging

inside the rear driver-side window.

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CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 5 of 11

Officer Involved Weapon

While at the scene, I collected the following item of evidence from the locked rack inside patrol vehicle 6893<sup>6</sup>.

One "BENELLI 12 GA"	shotgun with	serial number	a	nd one
bandoleer containing				

## Officer Processing

I arrived at the San Diego Police Department Crime Scene Unit Studio on June 1, 2013, at approximately 1520 hours to process Officer Richard Butera, ID #5876. Detective Chris Leahy, ID #5869, and Officer Marciniak, ID #5179, were present during processing. I took digital photographs #298 through #310, starting at approximately 1522 hours. No evidence was collected.

**Photography** 

#298 - #310: Views of the front, left, back and right sides of the officer.

#### Autopsy

I arrived at the San Diego County Medical Examiner's Office on June 2, 2013, at approximately 0910 hours to attend the autopsy of suspect Giacomo Cargnoni (ME #13-1284). Detective Chris Leahy, ID #5869, and Detective Gary Gonzales, ID #5328, met me at this location. I took digital photographs #311 through #501, starting at approximately 0938 hours. I collected and/or received items of evidence starting at approximately 0956 hours.

## Photography

#311: View of the red lock and nametag on the suspect's body bag.

#312 - #313: Views of the suspect's body bag.

#314 - #316: Views of the suspect before the head, hand and foot bags were removed.

#317 - #319: Views of the suspect before the medical paraphernalia was removed.

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# CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 6 of 11

Photographs #320 through #386 were taken of the suspect in an unclothed and unwashed condition.

#220 #222	V. Orre	of tha	suspect's hands.
#3ZU <b>-</b> #3Z3:	views	or the	suspect's nanus.

#324 - #337: Views of the left, right and front sides of the suspect.

#338 - #343: Views of the apparent wounds on the suspect's left leg.

#344 - #347: Views of the apparent wounds on the suspect's left arm.

#348 - #359: Views of the apparent wounds on the suspect's torso.

#360 - #367: Views of the apparent wounds on the suspect's face.

#368 - #370: Views of the bump on the suspect's right arm (apparent shot pellet under the skin).

#371 - #374: Views of the apparent wounds on the suspect's right leg.

#375 - #377: Views of the apparent wounds on the suspect's right arm.

#378 - #382: Views of the back side of the suspect.

#383 - #386: Views of the apparent wounds and bump (apparent shot pellet under the skin) on the suspect's back.

Photographs #387 through #485 were taken of the suspect in an unclothed and washed condition.

#387 - #401: Views of the left, right and front sides of the suspect.

#402 - #405: Views of the suspect's hands.

#406 - #412: Views of the apparent wounds on the suspect's right leg.

#413 - #420: Views of the apparent wounds on the suspect's right hand and arm.

#421 - #424: Views of the apparent wounds on suspect's right hip and side.

#425 - #435: Views of the apparent wounds on the suspect's torso.

.  CRIME SCENE UNIT
Crime Scene Unit Report 1
Incident #13060000530
Case #13-021594
June 10, 2013
Page 7 of 11

10233639:

June 10, 2013 Page 7 of 11	
#436 - #437:	Views of the apparent wounds on the suspect's right shoulder.
#438 - #450:	Views of the apparent wounds on the suspect's neck and face.
#451 - #460:	Views of the apparent wounds on the suspect's left shoulder and arm.
#461 - #462:	Views of the apparent wounds on the suspect's left side.
#463 - #471:	Views of the apparent wounds on the suspect's left leg.
#472 - #475:	Views of the back side of the suspect.
#476 - #485:	Views of the apparent wounds and bump (apparent shot pellet under the skin) on the suspect's back.
#486 - #494:	Views of the shot pellets removed from the suspect's back.
#495 - #497:	Views of the shot pellet removed from the suspect's right arm.
#498 - #500:	Views of the shot pellet removed from the suspect's anterior epicardial.
#501:	View of the shot pellet removed from the suspect's posterior aorta.
Evidence	
10233632:	One paper bag from the suspect's head.
10233634:	One paper bag from the suspect's right hand.
10233635:	One paper bag from the suspect's left hand.
10233636:	One paper bag from the suspect's right foot.
10233637:	One paper bag from the suspect's left foot.
10233638:	One pair of size "L" black and yellow "Nike Therma-Fit" dirty athletic pants with medical intervention cuts.

One pair of size "M" white and gray "EXPRESS" boxer briefs with apparent

bloodstains and medical intervention cuts.

CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 8 of 11

I received the following seven items of evidence from Forensic Autopsy Specialist Fabian King.

10233640:	One manila envelo	pe labeled "anterior	epicardial,"	containing one she	ot pellet.
-----------	-------------------	----------------------	--------------	--------------------	------------

10233641: One manila envelope labeled "posterior aorta," containing one shot pellet.

10233642: One manila envelope labeled "L back, lower," containing one shot pellet.

10233644: One manila envelope labeled "R back, mid," containing one shot pellet.

10233646: One manila envelope labeled "L back, upper," containing one shot pellet.

10233647: One manila envelope labeled "spinal cord," containing one shot pellet.

10233648: One manila envelope labeled "R arm," containing one shot pellet.

10233649: Reference mouth swabs.

10233653: Fingernail scrapings from the right hand.

10233654: Fingernail scrapings from the left hand.

10233655: Plucked head hair.

I received the following three items of evidence from Forensic Autopsy Specialist Fabian King.

*10233656*: One rib bone sample.

*10233658:* One vial of blood.

10233660: One set of inked finger and palm prints.

10233662: One "Reference Bloodstain Card" from the suspect's blood (10233658), prepared in the Crime Seems Huit on Ivan 2, 2012

in the Crime Scene Unit on June 2, 2013.

CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 9 of 11

## **Vehicle Processing**

I arrived at the San Diego Police Department Aero Drive Impound Garage on June 3, 2013, at approximately 0830 hours to process the gray Volkswagon Jetta with California license plate number Detective Chris Leahy, ID #5869, met me at this location. I took digital photographs #502 through #557, starting at approximately 0841 hours. I collected items of evidence starting at approximately 0900 hours. All items of evidence were collected after a search was conducted.

## Photography

#502 - #506:	Views of the exterior of the vehicle before the paper was removed from the
	broken windows.

#507 - #514:	Views of the exterior of the vehicle after the paper was removed from	the broken
	windows.	

#515 - #531.	Views of the	interior of the	vehicle and	the trunk contents.
#JIJ " #JJI.	ATCMS OF MIC	mightor of me	veincle and	me nume coments.

#535:	View	of the	nille	nlac	card 12).
ff. 1.7.1.	VICW	111 11167	121115	เบาสน	2011 C. L.Z.T.

#536: View of the prescription bottle (placard 13) containing miscellaneous pills.

#537: Location view of the evidence item identified by placard 14.

#538: View of the prescription bottle (placard 14) containing apparent marijuana.

#539 - #540: Views of the suspect's wallet and Driver License.

#541 - #543: Location views of evidence items identified by placards 15 through 18.

#544 - #545: Views of the iPad and contents of the bag (placard 15).

#546 - #549: Views of the holster (placard 16) [including a miscellaneous image]

#550: View of the shotgun wad (placard 17).

#551 - #552: Views of the box containing apparent marijuana (placard 18).

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CRIME SCENE UNIT
Crime Scene Unit Report 1
Incident #13060000530
Case #13-021594
June 10, 2013
Page 10 of 11

#553 - #556: Views of the apparent strike mark labeled "A."

#557: View of the Vehicle Identification Number (VIN).

Evidence

10233666: Six loose white round pills (placard 12) inscribed with a scripted "R" and "35." This item was collected from the driver seat.

10233668: One open (no lid) prescription bottle (placard 13) containing twenty-eight oblong white capsules stamped with a scripted "R" "077" and one white round pill inscribed with a scripted "R" and "35." This item was collected from the front passenger-side seat.

10233673: One green prescription bottle (part of placard 14) containing apparent marijuana. The label is hand printed with "5g Green Crack." This item was collected from the center console.

10233674: Several loose, apparent marijuana leaves (part of placard 14). This item was collected from the center console.

10233676: One green "TUMI" case containing an "iPad" (part of placard 15). This item was collected from the front passenger-side seat.

10233679: This item (part of placard 15) consists of the following:

• One baggie of apparent marijuana

• One black drawstring bag containing one glass pipe

This item was collected from inside the bag on the front passenger-side seat.

10233681: Two bottles of liquid "Lidocaine 1%" (part of placard 15). This item was collected from inside the bag on the front passenger-side seat.

10233684: One black "Pro Tech Outdoors" holster (placard 16). This item was collected from the rear pocket of the front passenger seat.

10233686: One plastic shotgun wad (placard 17). This item was collected from the rear driver-side floorboard.

10233687: One "Red Hook" box (placard 18) containing loose apparent marijuana. This item was collected from the trunk.

CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 11 of 11

Discs

10233688: One "Master" DVD containing digital images #1 through #310 (scene and officer

processing).

10233689: One "Working Copy" DVD containing digital images #1 through #310 (scene and

officer processing).

10233690: One "Master" DVD containing digital images #311 through #557 (autopsy and

vehicle processing).

10233691: One "Working Copy" DVD containing digital images #311 through #557 (autopsy

and vehicle processing).

#### DISPOSITION OF EVIDENCE

Each item of evidence was assigned a unique barcode and will be impounded under *Incident* #1306000530. Items will be impounded in the *Headquarters Property Room*, with the following exceptions:

The "Master" and "Working Copy" discs will be impounded in the *Laboratory* files. Additional copies of the "Working Copy" discs were released to Detective Leahy, Homicide Unit.

Officer Butera's shotgun and bandoleer were released to Sergeant Manny Del Toro, Homicide

Unit

Jennifer C. Sanders, ID #8393 Crime Scene Specialist June 10, 2013

jcs

Technical Review: KMW #8245 Date: 00.10.2013

Administrative Review: 923 \$791 Date: 6.10.2017

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### SAN DIEGO POLICE DEPARTMENT FORENSIC SCIENCE SECTION-FIREARMS UNIT



#### UNLOADED FIREARMS REPORT

Barcode #:1023:		Case #: 13-021594 Inc.# 13060000530						
	. Special Investigation	Investigative Unit: Hom. Tm5 Det. Leahy						
Analyst:	EJL 8757	Date: June 11, 2013	•					
Evidence Reception:	CSU gun locker on June 10							
The second secon								
WEAPON SUBMIT	ГТЕО							
X Pistol (auto loadin		Shotgun ف						
Revolver	<del></del>	Other:						
Rifle ڤ		omer.						
- Idile								
Make: IWI		Model:	Desert Eagle					
Serial Number:			r: 9mm					
Scriai ivaliloci.		Canoc	1					
CONDITION OF F	RECEIVED WEAPON							
CONDITION OF F	ECEIVED WEAFON							
HAMMER:	X Uncocked	Cocked ٺ						
STRIKER:NA	ن Uncocked	ے Cocked ف						
CHAMBER:	X Loaded	Empty ف						
CYLINDER:NA	•	Close ث						
SAFETY:	X "On" Position	"Off" Position	. CD \					
SLIDE:	Closed (In Battery) ف		2 /					
MAGAZINE:	X Seated (In Place)	Unseated (Out of l	Place)					
	ontents: One brass "WIN 9r							
Magazine Contents:	Eight brass "WIN 9mm LU	JGER" cartridges						
		,						
ADDITIONAL CO	MMENTS The pistol w	vas received with the safe	ety on, the hammer					
	lightly back. There was one							
the inserted magazin	e. The pistol was unloaded b							
		Processing Packet contain	ning the chamber and					
magazine contents w	vas created and given barcode	e 10236178.						
-								
(MEMORENIC HOLD CONTROL OF CONTROL HILL TO A CON								
EVIDENCE DISPO	<b>DSITION</b> The pistol a	nd magazine were releas	ed to Crime Scene					
Specialist Jennifer S	anders on June 10, 2013. Th	e Firearms Processing Pa	acket, barcode					
	sed to the Property Room on							
Analyst: Euger	ne L. LaChimia		ID #: 8757					
			··· <u></u>					
Title: Crim	inalist	Date	June 11, 2013					
	8512 12 June 13	Date.	V 6.110 1 1 , 2013					
Tech review:	WIZ FOUNCIS							
Minim workers	A 6-12-13	e.						

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#### DEPARTMENT OF JUSTICE

#### BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

#### NATIONAL TRACING CENTER

Phone: (800) 788-7133 Fax: (800) 578-7223

Print Date: June 25, 2013



#### FIREARMS TRACE SUMMARY Trace Number: Request Date: June 12, 2013 Completion Date: June 19, 2013 FIREARM INFORMATION JENNIFER SANDERS SAN DIEGO P.D GUN DESK Manufacturer: ISRAEL WEAPON IND-IWI (ISR... 1401 BROADWAY **Model: DESERT EAGLE** SAN DIEGO, CA 92101 Caliber: 9 PHONE: Serial Number: Type: PISTOL Country: ISRAEL Badge No: Importer: MAGNUM RESEARCH INC Investigation No: 13060000530 and Name: RECOVERY INFORMATION Recovery Date: 06/01/2013 Time to Crime: 1675 days 00 SEA WORLD DR NDIEGO, CA 92109-0000 PURCHASER INFORMATION **Purchase Dat** Possessor: GIACOMO CARGNONI DOB: POB: **DEALER INFORMATION** DOB: FFL: POB: Race: Veight: lbs Sex: ID 1: UT DRIVER'S LICENSE Phone: Ship-To-Date: ID 2: : Contact the local ATF office for additional information. ADMINISTRATIVE INFORMATION F/A REPORTED STOLEN: N drubbing Codes: CA-DOJ

#### SUMMARY OF RESULTS

THIS FIREARM WAS TRACED TO A PURCHASER AND IS PART OF A MULTIPLE HANDGUN SALE REPORTED TO ATF BY A FEDERAL FIREARMS LICENSEE (FFL). THE TRANSACTION DATE NOTED IN THE SUMMARY IS THE DATE THE MULTIPLE SALE WAS GENERATED BY THE FFL AND MAY NOT REPRESENT THE ACTUAL TRANSACTION DATE OF THE FIREARM PURCHASE. TO VERIFY THE ACTUAL TRANSACTION DATE FOR THE FIREARM, PLEASE CONTACT THE FFL OR CONTACT ATF NATIONAL TRACING CENTER, FIREARMS TRACING BRANCH AT 1-800-788-7133.

The information in this report must be validated prior to use in any criminal proceedings.

Trace: T20130159689



The information in this report must be validated prior to use in any criminal proceedings.

Trace: T20130159689
FOR OFFICIAL USE ONLY

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### SAN DIEGO POLICE DEPARTMENT FORENSIC SCIENCE SECTION

# CRIME SCENE UNIT LABORATORY REPORT



and

VICTIM:

SUSPECT:

CHARGE:

INCIDENT #:

CASE #:

**HOMICIDE TEAM 5:** 

DATE OF INCIDENT:

SCENE LOCATION:

CRIME SCENE SPECIALIST:

CRIMINALIST:

BUTERA, SDPD Officer Richard

CARGNONI, Giacomo

Special Investigation (OIS)/245(a)(2) PC 13060000530

**13-021594**/13-021595

Sergeant M. Del Toro/Detective C. Leahy

June 1, 2013 (Saturday) 100 Sea World Drive

Jennifer C. Sanders Eugene LaChimia

## CRIME SCENE UNIT REPORT 2

### **Evidence Processing**

I received the evidence items listed below from the Headquarters Property Room on June 17, 2013. I processed these items on June 17, 2013, starting at approximately 1036 hours. 10233622:

One "OSBORNE" black handled folding knife.

Techniques:

This item was processed using visual examination, cyanoacrylate ester fuming, black powder and swabbing.

Results:

10238967:

One lift of developed prints was collected.

10238968:

One swab of possible DNA evidence was collected from the blade of the knife, after fingerprint processing.

10238970:

One swab of possible DNA evidence was collected from the handle of the knife, after fingerprint processing.

10233630:

One "DESERT EAGLE 9mm" handgun with serial number one magazine.

Techniques:

This item was processed using visual examination, cyanoacrylate ester

CRIME SCENE UNIT Crime Scene Unit Report 2 Incident #13060000530 Case #13-021594 June 18, 2013 Page 2 of 2

Results:

No latent prints developed.

10238971:

One swab of possible DNA evidence was collected from the textured areas of

the handgun.

10238972:

One swab of possible DNA evidence was collected from the entire surface of

the handgun, after fingerprint processing.

10238973:

One swab of possible DNA evidence was collected from the entire surface of

the magazine, after fingerprint processing.

Latent Print Summary

10238967:

One latent print card containing one lift of developed prints.

Discs

10238979:

One "Master" DVD containing ten digital (note page) images.

10238980:

One "Working Copy" DVD containing ten digital (note page) images.

#### DISPOSITION OF EVIDENCE

The processed evidence items and the resulting items, which were each assigned a unique barcode number, were impounded under *Incident #13060000530*. Items were impounded in the *Headquarters Property Room*, with the following exceptions:

The "Master" and "Working Copy" discs were impounded in the Laboratory files.

Jennifer C. Sanders Crime Scene Specialist June 18, 2013

jcs

Technical Review: KnW#8245Date: 06.18 2013

Administrative Review: 973 879/ Date: 6 · 19 · 2013

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### SAN DIEGO POLICE DEPARTMENT FORENSIC SCIENCE SECTION



#### FORENSIC BIOLOGY UNIT LABORATORY REPORT

VICTIM:

BUTERA, Richard, ID #5876

SUSPECT:

CARGNONI, Giacomo

**CHARGE:** 

245 PC

CASE #:

13-021594

**INCIDENT#:** 

13060000530

**HOMICIDE:** 

Detective C. Leahy, ID #5869

**CRIMINALIST:** 

David Cornacchia

DATE OF REPORT:

September 3, 2013

#### **EVIDENCE EXAMINED**

#### Barcode #

10238968

One (1) swab from the blade of the knife (10233622).

This swab was consumed for DNA analysis.

10238970

One (1) swab from the handle of the knife (10233622).

This swab was consumed for DNA analysis.

10238971

One (1) swab from the textured areas of the handgun (10233630).

This swab was consumed for DNA analysis.

10238972

One (1) swab from the entire surface of the handgun (10233630).

This swab was consumed for DNA analysis.

10238973

One (1) swab from the entire surface of the magazine (10233630).

This swab was consumed for DNA analysis.

10233649

Two (2) reference mouth swabs obtained from Giacomo Cargnoni.

A portion of one swab was extracted for DNA analysis.

#### SUMMARY OF ANALYTICAL PROCEDURES

- 1. Qiagen BioRobot EZ1 magnetic bead based DNA purification.
- 2. Quantitative PCR using Applied Biosystems' Quantifiler Duo kit.
- 3. PCR DNA amplification using Applied Biosystems' Identifiler Plus kit.
- 4. Capillary electrophoresis and analysis of amplified DNA using the ABI 3130 Genetic Analyzer.

#### RESULTS

See attached Table 1 for DNA typing results.

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				( )

FORENSIC BIOLOGY UNIT Case #13-021594 September 3, 2013 Page 2 of 3

#### CONCLUSIONS

1. Mixtures of DNA from three or more individuals were obtained from the swab of the handle of the knife (10238970), and both of the swabs from the handgun (10238971 and 10238972). The predominant DNA profile in these mixtures matches the DNA obtained from Giacomo Cargnoni. The approximate probabilities of selecting an individual, at random, that matches this DNA profile are expressed in the following table:

Population Group	Probability
Caucasian	1 in 8.7 quintillion
African American	1 in 250 quintillion
Hispanic	1 in 16 quintillion

Due to the number of possible low level contributors to this mixture, the minor types are unsuitable for comparisons or for searching in the databases of the Combined DNA Index System (CODIS).

DNA profile frequency calculations were generated using population data taken from the Journal of Forensic Sciences 1999, 44(6), 1277-1286. The data for the D2S1338 and D19S433 loci was taken from Forensic Science Communications 2001, 3(3).

- 2. A mixture of DNA from three or more individuals was obtained from the swab of the knife blade (10238968). Giacomo Cargnoni is included as a possible major contributor to this mixture. Due to the number of possible low level contributors to this mixture, the minor types are unsuitable for comparisons or for searching in CODIS.
- 3. A low level mixture of DNA from two or more individuals was obtained from the swab of the magazine (10238973). Due to the number of possible low level contributors to this mixture, the results are unsuitable for comparisons or for searching in CODIS.

#### DISPOSITION OF EVIDENCE

All items were returned to the Property Room. Remaining extracted DNA was impounded on Barcode #10264331.

David Cornacchia ID# 8815 Criminalist September 3, 2013

Technical Review Date 9513

Administrative Review Date 96/13

FORENSIC BIOLOGY UNIT Case #13-021594 September 3, 2013 Page 3 of 3

Table 1 - DNA Typing Results

Г	<u></u>		*				*			T	_			Τ	*			T				
FGA	19,21*,	73	10* 73*	<u> </u>			19* 23*	\   		19 23	1211*	124]*	ī 	<u>*</u> 6I	23* 24*			19,23				
D5S818	11, 12,	13	11, 13	n !			9*, 11.	12* 13		11 13	1121*	[		11, 13*	`	*****		11, 13				
Amel	ХŸ		XX	<u></u>			X	,		λX				XX				ХX				
D18S51	12*, 14	[18]	14				14			14	ı I			14				14				
TPOX	8*, 11,	디	*8	`* <u>`</u>	12*		8*, 11,	.‡21		11, 12	*			*8	*	12*		11, 12				
vWA	15,	16*, 18*, 19	15.	16*, 19			14*,	15, 19	`	15.19	116	177	1	15*,	16*	17*,	#61	15, 19				
D19S433	13, 14		13, 14	1151*	1		13, 14	[12]*	1	13, 14	1151	1		13, 14,	15#			13, 14				
D2S1338	16*,17,	18, 23*	17, 18*	,			17, 18*			17, 18	[23]*	ı		17*, 18*,	*61			17, 18				
D168539	11	[5]	11				11	*6	1	11	- 10-			11				11				
D13S317	11, 12		11, 12			·	11, 12	*	[10]*,	11, 12				11, 12	* 8			11, 12			~	
THOI	7,8	<u> </u>	7,8	[6]	[9.3]*	!	7,8	[9.3]*		7,8	[6]*	[9.3]*		7,8*,	9.3*			7,8				
D3S1358	15, 16, 18		15*, 16,	18	[17]*,	[19]*	16,17*,	18	[15]*	16, 18	[14]*,	[15],	[61]	15*, 16,	17*, 18			16, 18				
CSF1PO	10, 12,	13*	10*, 11*,	12			10, 12			10, 12	*[11]			10*, 11*,	12*			10, 12				
D7S820	8, 10		10				10			101	[12]*		****	10, 11*				10		•		-
D21S11	29, 30,	30.2, 32.2 [31.2]*	29, 30*,	32.2			29, 32,2			29,322	[30]*,	[33.2]*		29*, 31*,	32.2			29, 32.2				
D8S1179	10, 13, 14		10, 14	[12]*,	[13]*,	[16]*	10, 14	[12]*,	[13]*,	10, 14	[12]*,	[13]	[16]*	10, 13*,	14			10, 14				
Description	10238968	Swab from the blade of the knife	10238970	Swab from the	handle of the	knife	10238971	Swab of textured	area of handgun	10238972	Swab from entire	surface of the	handgun	10238973	Swab from entire	surface of	magazine	10233649	Reference	samble:	Giacomo	Cargnoni

[ ] = allele likely from a minor contributor

<sup>\* =</sup> allele that was detected in the stochastic range

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PD482

Distribution:

#### San Diego Police Department Forensic Science Section



Page \_\_\_\_

# INTERNAL CHAIN OF CUSTODY

Victim(s) Officer Richard Butera

Suspect(s)	GIACOMO Cargoni	
	J	
Property Tag # The	± 13060000530 Case # 13.02159	<del></del>
Released By: (Name/ID)	Received By LACHMIA	ID#875
Sanders	Items Received officer Shotgun + bar	ndoller
8313	Purpose Process	Date 6-3-73 0920
Released By: (Name/ID)	Received By Sandlets	
LACTIMITY 757	Items Received Shotgun + bandolber	
	Purpose return to Officer	
Released By: (Name/ID)		ID# 4754
Souders	Items Received Shotquu + bando ler	
8393	Purpose return to officer	Date_ 6.4.13
Released By: (Name/ID)	Received By	_ ID#
	Items Received	
	Purpose	Date
Released By: (Name/ID)	Received By	
	Items Received	
	Purpose	
Released By: (Name/ID)	Received By	
	Items Received	
	Purpose	Date

Copy as needed, original to case file

. 

#### SAN DIEGO POLICE DEPARTMENT INVESTIGATOR'S REPORT

DATE (occurrence):

June 1, 2013 (Saturday)

TIME (occurrence):

0922 Hours

LOCATION:

100 Sea World Dr.

**SUBJECT:** 

Inc #13060000530

OIS/Special Investigation – SDPD Case #13-021594

Officer BUTERA, Richard ID #5876, P.O. II.

**245(a)(2) PC, ADW (Gun) – SDPD Case #13-021595** Victim: Officer BUTERA, Richard ID #5876, P.O. II.

Suspect: CARGNONI, Giacomo James, W/M (21), DOB: 10-09-91

#### **VEHICLE PROCESSING: CALIFORNIA LICENSE #**

On June 1, 2013, at approximately 0945 hours, I was off duty and at home when I received a telephone call from Sergeant Manny DEL TORO, ID #4754. Sergeant DEL TORO informed me our team was being assigned an officer involved shooting incident that had just occurred at 100 Sea World Drive and requested I respond to the scene.

I responded to the scene and arrived at approximately 1030 hours. I noted the sky was partially cloudy and the temperature was approximately 65 degrees. Upon arrival, I noticed numerous officers securing the scene with yellow police tape and marked patrol units (refer to crime scene report for details).

The genesis of the officer involved shooting originated as a result of a 'hot stop' (traffic stop) involving a dark gray, 2012 Volkswagen Jetta bearing California license plate Prior to the initiation of the traffic stop, police officers from Western Division responded to a radio call of an individual brandishing a firearm outside of an apartment complex located at (Beat 614). A description was broadcast to officers of the suspect and the vehicle he fled in.

Officers located a possible suspect vehicle in the area of Dusty Rhodes Park and followed the Jetta as it traveled northbound on Sunset Cliffs Boulevard. The officers initiated a traffic stop on the subject vehicle which yielded on the north side of the Sunset Cliffs Bridge, just past the location where Sunset Cliffs Boulevard becomes Sea World Drive (Beat 123).

It was during the 'hot stop' the suspect produced what Officer Richard BUTERA, ID #5876, believed to be a gun. The suspect took a shooting position with an object in his hand and pointed that object at the officer. The object was later determined to be a black handled folding knife with a silver colored blade. Officer BUTERA discharged his shotgun two times at the suspect which ultimately resulted in the suspect's death.

On June 3, 2013, Scene Specialist Jennifer SANDERS and I met at the police garage to process the listed vehicle.

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Investigator's Report Vehicle Processing Case #13-021594 and #13-021595 Page 2

#### **Vehicle General Description:**

Year: 2012

Make: Volkswagen Model: Jetta 4 Doors Color: Dark Gray

Transmission Type: Automatic

License Plate:

Interior color: Gray Odometer: 40,534 Fuel Gage: 1/4 full

Passenger capabilities: 4

VIN:

The vehicle appeared as it had at the scene. It is a 2012 Volkswagen Jetta with four doors. There is minor damage throughout the vehicle that appeared to have occurred prior to the shooting. There are two license plates and they are affixed to the front and rear bumpers.

The driver's side (rear) passenger window is missing/shattered and the frames contained only small pieces of remaining glass.

There was significant damage to the rear passenger wing window with only small pieces of remaining glass due to shotgun pellet(s) entrance holes. This was photographed by CSS SANDERS and identified as Item#A.

All four tires appeared to be in fair condition.

The interior of the vehicle is gray cloth. There is shattered glass throughout the interior. There are miscellaneous clothing items and personal belongings inside the vehicle such as toiletries, a black travel bag, an "Apple I-Pad" computer and vehicle registration papers.

It should be noted that a brown wicker basket was inside of the vehicle in the back seat. This wicker basket was found outside of the trunk at the crime scene but was placed inside of the trunk area due to the trunk being filled with various other items.

I used the car key to start the vehicle and noted the mileage was 40,534. The vehicle had slightly over a quarter tank of gasoline.

I recovered the following items from the vehicle:

Item-#12: Loose pills, white in color oval shaped. (Found on driver seat).

Item-#13: Orange prescription pill bottle containing similar sized and shaped pills. (Found on front passenger seat).

Item-#14: Green prescription pill bottle containing marijuana. (Found in center console).

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Investigator's Report Vehicle Processing Case #13-021594 and #13-021595 Page 3

- **Item-#15**: Apple I-Pad with green cover case // Lululemon bag containing (3) syringes and two bottles of lidocaine and a plastic baggie of marijuana and glass pipe. (*Found on front passenger seat*).
- Item-#16: Nylon gun holster (Protect Outdoors). (Found behind front passenger seat storage pouch).
- Item-#17: Shotgun wad (white plastic). (On rear driver side floorboard).
- Item-#18: Cardboard box (12-bottle pack of Red Hook beer brand) containing Marijuana inside. *(Found in trunk)*

After examining the contents inside the vehicle I concluded the owner, Giacomo CARDNONI was most likely storing the vast majority of his belongings and clothing inside of the Volkswagen and possibly living out of the car itself.

For complete details on the condition of the vehicle refer to photographs and report by Criminalist SANDERS.

Reporting Detective	Christopher LEAHY	_	I.I	D.	5869	Homicide Team:	V
Approved by:	Cia	4754	Date of this repor	rt:	06-04-2013	Time:	1026 Hours

#### San Diego Regional Vehicle Report

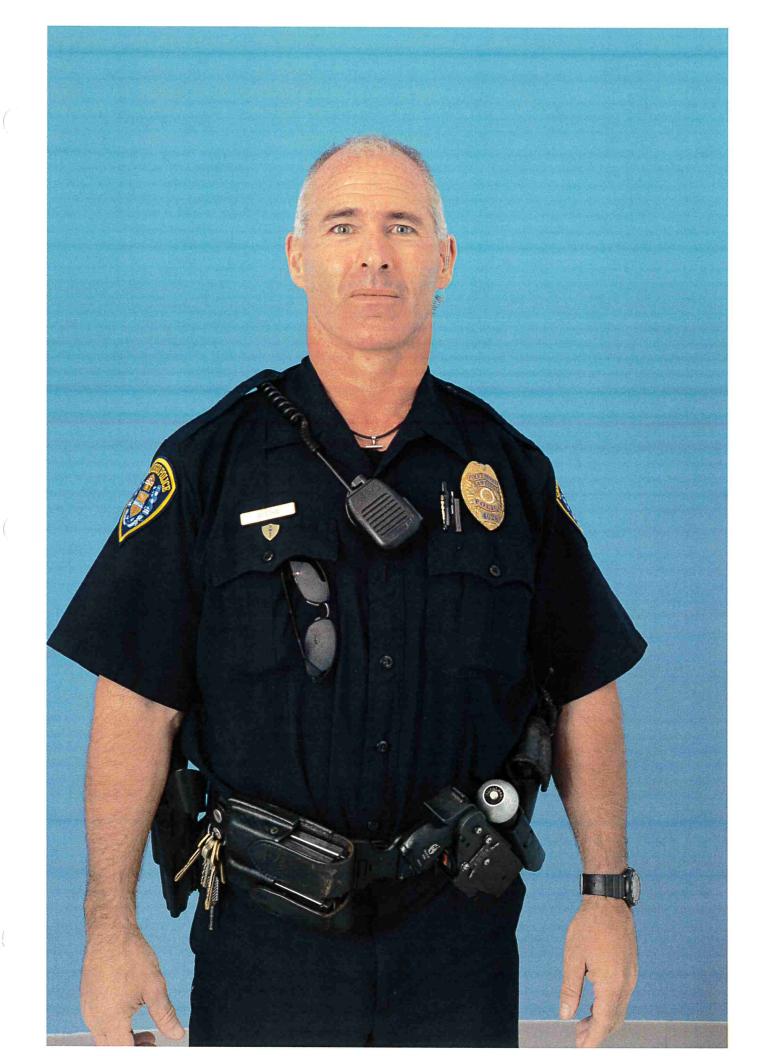
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#### OFFICER INVOLVED INCIDENT CHECKLIST

AST NAME: Butera FIRST:	Richard MIDDLE	: Thomas
Age       D.O.B.       Height       5-6         Weight       180       Hair       bm       Eyes       hzl         Police ID #       5876       Badge #       4028		
Date of Hire05-10-02		
Assignment W-1	Primary Weapon	
Supervisor Sgt. Nick Borrelli	Make Not Used	Caliber
Length of Assignment 11 years	Serial #	Model #
Unit # 621B1 Equipment # 6893	Department	Personal
Work Hours 0600-1600 Days Off MTW	Secondary Weapon	
Hours of Sleep Prior to Shift 8.5 hours	Make Benelli	Caliber shotgun
Right/Left Handed Right	Serial #	Model # <u>M-4</u>
Glases? Yes No Contacts Yes No Glasses or Contacts Worn? Yes No Glasses or Contacts Worn? Yes No Hollinesses None  ''edications? Yes No Date Have you drunk any alcoholic beverages in the last 24 Hours? If so, Type N/A Quantity N/A  INJURIES/COMMENTS: None	Department Person  If weapon is an automatic, was it of in the chamber?  Primary Weapon  Secondary Weapon  Carbine  Number of rounds carried in maga Primary Weapon  Secondary Weapon  Carbine  Extra magazines or speed loaders?  Yes No Quantity  Have you altered your weapon?  If so, how?	Yes No Yes No Yes No Yes No No Yes Yes No Yes No Yes No Yes Yes No Yes No Yes Yes No Y
	Less Than Lethal Force Used?  OCN (Pepper Spray)  Bate  Nunchukas  Taser  Other	Yes No No On ASP Beanbag

Sergeam Date:



### SAN DIEGO POLICE DEPARTMENT INVESTIGATOR'S REPORT

**DATE** (occurrence):

June 1, 2013 (Saturday)

TIME (occurrence):

0922 Hours

**LOCATION:** 

100 Sea World Dr.

**SUBJECT:** 

Inc #13060000530

OIS/Special Investigation – SDPD Case #13-021594

Officer BUTERA, Richard ID #5876, P.O. II.

**245(a)(2) PC, ADW (Gun) – SDPD Case #13-021595** Victim: Officer BUTERA, Richard ID #5876, P.O. II.

Suspect: CARGNONI, Giacomo James, W/M (21), DOB: 10-09-91

SUBJECT INTERVIEWED:

Officer BUTERA, Richard Thomas, #5876

W/M DOB:

Western Patrol-1st Watch

Work:

Date of hire: May 10, 2002

Ht: 5'6", Wt: 180 lbs.

WEAPON USED:

Benelli, M-4 Shotgun, Serial #

#### **OFFICER STATEMENT:**

On June 1, 2013, at approximately 0930 hours, I received a call at home from Lt. Jorge DURAN, #4207. He advised me Homicide Team 5 was being assigned an Officer Involved Shooting investigation. Lt. DURAN directed me to the area of 100 Sea World Dr. I called the rest of Homicide Team 5 and the Crime Lab personnel to report to that location.

At approximately 1100 hours, Acting Sergeant Esmeralda TAGABAN, #5794, briefed us on the shooting incident. We learned that Giacomo CARGNONI had threatened someone with a handgun in the area of in Ocean Beach. A call was made to the police and a suspect vehicle description was put out to patrol officers. CARGNONI was spotted in his vehicle driving northbound on Sunset Cliffs by patrol officers who initiated a stop on the vehicle. During the stop, CARGNONI, became non-compliant and began looking in his trunk and passenger side of the vehicle despite officer's commands to stop. CARGNONI ultimately motioned towards the officers in a shooting position and Officer Richard BUTERA opened fire on CARGNONI. CARGNONI was transported to UCSD hospital where died.

After the briefing, I gave assignments to Team 5 detectives and I awaited Officer BUTERA to see if he would provide a safety walk-through to ensure we collect all of the potential evidence in the case.

At approximately 1311 hours Officer BUTERA and his attorney, Robert KRAUSE, provided a quick walk through for Detective Chris LEAHY, #5869, CSS Jennifer SANDERS and Criminalist Eugene LACHIMIA, who were collecting evidence at the scene. BUTERA stated he was positioned in the southbound side of 100 Sea World Dr. with his shotgun pointed at the suspect who was near his vehicle in the northbound east shoulder. BUTERA said he fired one double-aught buckshot round at the suspect through the backseat windows of the suspect vehicle. BUTERA said he used the center divide jersey

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Investigator's Report Interview of Officer BUTERA Case #13-021594 and #13-021595 Page 2

barrier as cover and he was on the west side of the barrier when he fired that round. BUTERA then said he moved south along the concrete jersey barrier and fired a second shotgun round at the suspect. The second round was fired at an angle south of the rear of the suspect vehicle bumper and he had an unobstructed field of fire at the suspect for the second shot. The backdrop for both rounds was the area east of the road at 100 Sea World Dr.

The walk-through with Officer BUTERA lasted about two minutes and was audio recorded. It is stored on a disc and included with the rest of the audio recordings for this case.

At approximately 1400 hours, I met with Officer BUTERA and his attorney at the Homicide Office for a detailed interview. Also present was Lt. DURAN. We conducted an 18 minute interview on the details of the shooting. The interview was recorded and stored on a disc. The disc is stored with the rest of the interviews associated with this case. I had the interview transcribed in a word for word format. The interview is documented below. I have reviewed the recording to ensure the documentation is accurate.

#### LEGEND:

**RB** - Officer Robert BUTERA

RK - POA Attorney Robert KRAUSE

JD - Lieutenant Jorge DURAN

MDT - Sergeant Manny DEL TORO

MDT: Okay, the date today is going to be June 1, 2013. It's 1403 hours. This is Manny DEL TORO, ID #4754. Our location is the 4th floor in the Homicide Office. This is going to be an interview with Officer Richard BUTURA, ID #5876. Also is going to be his counsel Robert KRAUSE and Lieutenant Jorge DURAN, ID #4207. So Rick, today obviously you were involved in a shooting. So I'm going to ask you to begin with the radio call or whatever it is that took your focus towards that situation. So if you can go ahead and start there.

RB: Okay, initially at the time of the call came out, I was parked in the Western Division front lot. I was working on an 11-10, a report from yesterday. I heard the call come out of a 417 with a handgun. According to the reporting party, a white male, no shirt, sweatpants who's an acquaintance of theirs had 417 them. He had left the scene traveling northbound in a 4 door gray Volkswagen.

MDT: Okay.

RB: At that time I know the suspect's name came out. I don't recall it off hand. And again, I was in the front lot of the sub. I heard Officer CARPENTER put out that he had the vehicle traveling northbound on Sunset Cliff, approaching Sea World Drive. It was at that time that I started heading down Friars Road towards Sea World Drive, knowing that they were going to be coming in that direction in case there was failure to yield or if it was a 'hot stop' which it should be in that case, that traffic coming southbound would have to be stopped. So that's where I initially started my way to the scene.

MDT: Alrighty. So when you arrived to that area, what did you see?

Investigator's Report Interview of Officer BUTERA Case #13-021594 and #13-021595 Page 3

RB: I was coming southbound Sunset Cliffs, trying to get in front of traffic. I know the 'hot stop' was in progress. When I got to Friars and Sea Word Drive, I heard Officer CARPENTER put out that a 'hot stop' was in progress. I continued down there. Just as I got to the intersection where I want to say it's Ingrahm, right there, southbound around the bend, I could see where the 'hot stop' was taking place. I stopped my car I would say on the apex of the curb the best I could to stop traffic from continuing into, you know, cross fire with the officers.

MDT: Okay. Now can you tell me as far as your training goes without going in great detail, what is a 'hot stop' and why is it used?

RB: A 'hot'stop' is normally used, or a felony 'hot stop' is normally used when a subject is considered armed or dangerous. There's a potential that they have a weapon on them. It's much safer to stop them, get them out of the car and bring them back to us than to approach the car in that situation.

MDT: Okay, and so when you arrived at that area, did you see such a process going on?

RB: Yes, I saw the officer. I saw a group of officers by the police car. I don't know who they were, by name. I also saw the subject who was described as a white male with no shirt and sweatpants on. He was rummaging around through the trunk of the vehicle.

MDT: So that was already going on when you arrived? RB: That was already going on when I pulled up.

MDT: Okay.

RB: I pulled up. The trunk was up. The passenger side doors were open, and he was rummaging around in the trunk. And my initial thought was, 'What's going on? Why is he running, you know, why is he back by the car?'

MDT: Okay.

RB: Uh, when I arrived on scene, I knew I was in the crossfire. Unfortunately I had to make that decision about where to park to try to keep oncoming traffic out of the way. I want to say Sergeant TAGABAN actually got on the air and said, 'Hey for the unit that just stopped coming southbound needs to move because of the crossfire.' At that time I was already in the process of getting ready to move. I heard it put out over the air, 'He's in the car and he's going for his gun' or 'he's going for a gun'. That's when I grabbed the shotgun. I moved my position from where my car was parked in the southbound lanes. I actually went southbound in the traffic lanes and took a position directly across from the suspect's car, right behind the jersey barrier.

MDT: Okay. Now your car...now we were out and we did a walk-through.

RB: Yes sir.

MDT: And you identified two positions from where you fired, okay. Now was your car parked near those locations, or was it further north?

RB: No, it was further north.

MDT: Was further north?

RB: It was still at that location; the car that was across the number one and number two lanes

there. It was my vehicle.

MDT: That was your vehicle? Okay.

RB: That was my vehicle.

MDT: So and the vehicles, did you get a chance to see them when we did our walk-through?

When we were out there, did you see what positions the vehicles were in up there?

RB: Yeah. My vehicle and this other one.

MDT: Was that in the same position uh, when you exited your vehicle?

RB: Absolutely.

MDT: Absolutely. Okay, so nobody moved?

RB: I don't believe it was moved at all.

MDT: Okay, so then you came down on foot?

RB: Um huh.

MDT: And you were going towards...?

RK: Is that a yes or no?

RB: I'm sorry, yes.

MDT: All right. So you came down on foot? And that was a yes?

RB: Yes.

MDT: Okay, and uh, I think you said you used barriers as cover?

RB: Yes, I did.

MDT: Okay, and what was your intent at that time when you moved on foot?

RB: Well my intent was first I needed to get out of the crossfire situation.

MDT: Okay.

RB: I wanted to also get a better view of the suspect and what he was doing in the car. Because at that point as I was moving up on foot, I could see him go from the trunk to the front of the car. He went back. He reached into the back of the car. And he was digging

around in the car. He seemed very animated. I could hear the other officers yelling

commands to him.

MDT: Can you give me an example of what you heard?

RB: I can't say exactly. I don't recall exactly what it was.

MDT: Do you remember the type of commands that they were given?

RB: Uh, they were giving him commands to put his hands up. I do know that.

• . ,

MDT: Okay.

RB: But other than that, I can't recall exactly what the terminology was they were using.

MDT: Now when you saw this going on, you continued on foot going southbound?

RB: Southbound.

MDT: Correct? And that would be in the southbound lanes of Sunset Cliffs?

RB: Yes, number one lane.

MDT: Okay, the number one lane. So uh, what actions did you take at that time?

RB: Okay, I actually took a kneeling position right behind the barrier which put me directly across with a view, looking through the suspect's open driver's side door, and out the passenger side door. I could see the entire vehicle clearly from that position.

MDT: Okay.

RB: I too started giving him commands. I started yelling to him, you know, 'Put your hands up! Put your hands up!' I did see him. He was crouched down by the passenger side. He looked directly at me.

MDT: Um huh.

RB: As I'm giving him the commands. At one point he put his hands up like, 'Okay, my hands are up'. He immediately put them down. That's when he reached in between the seats and he grabbed out. I saw a black handle come out which at the time I believed it was a gun.

MDT: Okay.

RB: There's no doubt in my mind with the type of call that came out that he was already reported to 417 someone with a gun.

MDT: Um huh.

RB: We had, it came out over the air, 'He's reaching in the car for a gun'. And when I saw him pull out the black handle, that that was a gun. From that point, he took a crouching position behind the, it would be in the open front passenger side, behind the open rear passenger side door.

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MDT: Okay.

RB: He extended his arms into what I know is a shooting position.

MDT: Okay.

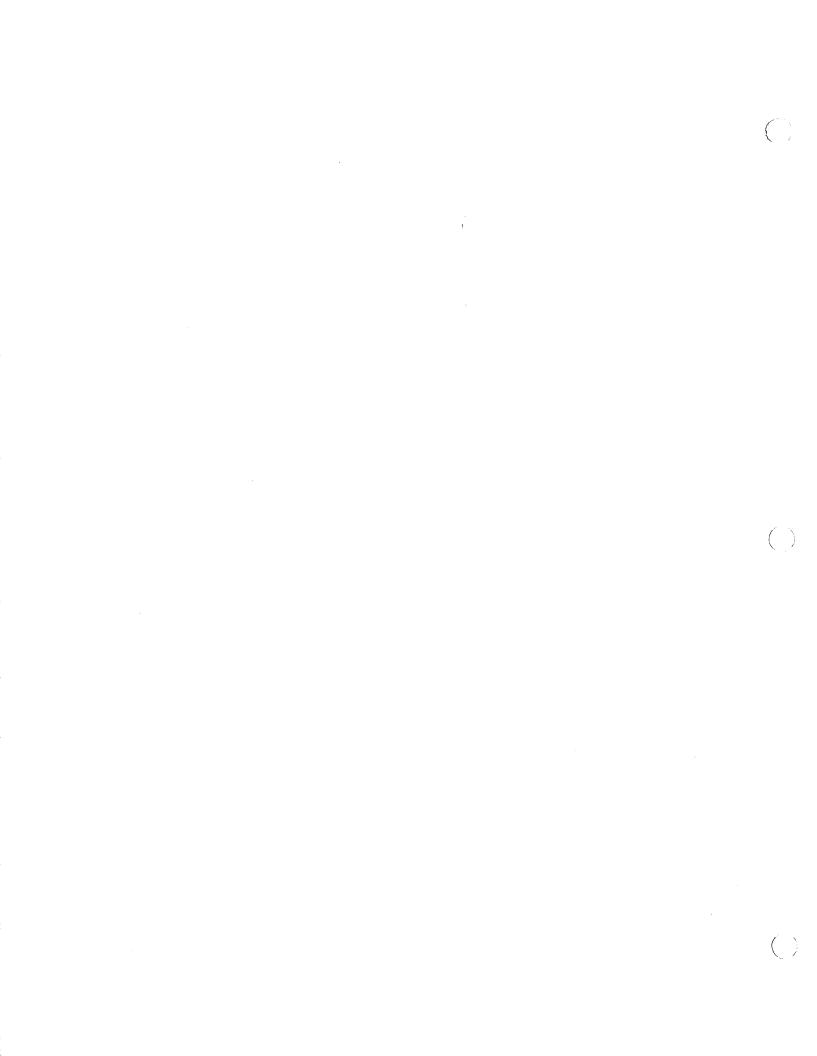
RB: When he did that....

MDT: Can you uh, just for the audio, can you describe what you saw? I know you showed me two arms, you show your hands interlocked.

RB: Yes.

MDT: Out in front of you. You're creating a, I guess say, for lack of a better of term, triangle? With, you know, your two arms forming one side.

RB: Yes sir.



MDT: And then the third side being your body?

RB: Yeah. He squatted down in what I know is a shooting position.

MDT: Okay.

RB: In which he was squatted, behind cover.

MDT: Um huh.

RB: He had both arms extended in front of him. Like you said, they were clasped together in a triangle for lack of a better way to put it.

*y* - 1

MDT: Um huh.

RB: Um, I could also see silver, which I believed was a barrel. And I could see some black. And it was pointed directly at the officers who were conducting the 'hot stop'.

MDT: Okay, so now, first, when you first saw him take that shooting position, was it towards you or towards the officer?

RB: It was towards the other officers.

MDT: Towards the officers? Okay.

RB: Right.

MDT: So also pointed southbound?

RB: Yes, all pointed southbound directly at where the officers were.

MDT: Okay. What actions did you take at that point?

RB: At that point I fully believed that he was going to shoot the other officers. And fearing for their safety, what I actually made the conscious decision to sight in on him, check my backstop, I pulled the trigger.

MDT: Okay.

RB: Fired a round from the .12 gauge. The gun didn't go off. I had the safety on.

MDT: Okay.

RB: I must have inadvertently put it on when I yanked it. When I pulled it out of the car when I went to check it. I must have pushed it the wrong way. At that point I realized exactly what was going on and he had started to come out from the crouching position and move around the rear passenger door, again with the gun in his hands. As he was starting to raise it, pointing back towards the officers, I again believed he was advancing on him. He was going to shoot him, so I took a shot through the driver's side rear passenger window to where he was standing next to the rear passenger side door. The glass shattered. He stumbled backwards. I believed at that point that my rounds impacted him. Either that or it was a shrapnel coming from the, just the broken glass. I could also see as he stumbled backwards, he dropped the gun. I do know it was a knife. I actually saw it at the scene, but until that point, I one hundred percent believed he had a gun in his hand.

MDT: Okay.

RB: I saw him drop the weapon which I believed was a handgun when he stumbled backwards. At that point I changed my position a little bit southbound from my number one, shooting position. I'd say I was probably, nobody showed out at the scene, but it was probably eight or ten feet south of the rear end of his vehicle, so I could retain a better angle on him. So I could see what was going on. At that point I could hear the other officers still giving him commands to, 'Put his hands up, put his hand up'. I believe it was also, 'Get down on the ground!' The suspect looked at them. He again extended his arms, hands clasped together, arms straight ahead, and then a triangle, and what is commonly, people would recognize a shooting position.

MDT: Okay.

RB: He did not have anything in his hand. I saw him drop the weapon. He pointed at the other officers. I did not shoot him at that point because I could clearly see he didn't have a gun or the gun in his hand.

MDT: Um huh.

RB: They continued to give him orders. He started to walk forward again towards where right where he had dropped the gun, and he started to bend forward. I believed he was going to grab that gun and he was going to shoot at the other officers. And that's when I took the second shot and that second shot was aimed at his chest.

MDT: Okay, so he went from a standing position down, reaching towards to what you believed was the gun? I just...

RB: Yes.

MDT: want to make sure I heard you correctly?

RB: Yes.

MDT: And then at that point you took the shot?

RB: Yeah. He started to, you know, as he was going forward, he started to lean forward. He didn't crouch fully down. I wasn't going to give him that opportunity at that point. He was not listening to the officer's commands. He was advancing towards where the weapon was dropped.

MDT: Let's go back. Just a clarifying question. When you first struck him from your first shot that went through the driver's side window, right? Through the passenger rear window?

RB: It was the driver's side...

MDT: Rear.

RB: rear window.

MDT: Rear window, right.

RB: Yes.

MDT: Went through there, went through the uh, possibly if it was open. We don't know yet, on the other side.

RB: Um huh.

MDT: On the passenger side of the vehicle. You believe it struck him, correct?

RB: Yes, and he stumbled back.

MDT: And you describe he stumbled back. Can you describe the stumble? Did he go to the ground? Did he just go a few steps back?

RB: No, he got knocked a few steps back and he seemed to be shaken up from it. Again, I didn't know if my rounds struck him. I believe they did or if it was just the glass from the fragmentation.

MDT: Um huh, okay.

RB: Um, when I changed my position, I want to say he, and I don't know for sure. I thought he stumbled almost to a fall, but I couldn't tell you because I was moving my position at that time.

MDT: Okay. RB: So...

MDT: So after you fired the second shot, what did you see occur at that point?

RB: After I fired the second shot, he went down.

MDT: Okay, and any other movement at all?

RB: Uh, you know, not that I saw from where I was. At that point I kind of got separated from what was going on with the sergeant. My only interaction was to get a trauma kit out of my trunk, and gave it, you know, tossed it over to the guys who were working on him.

MDT: Okay, now uh, so two shots fired?

RB: Yes sir.

MDT: Okay, and you describe the first one, that he was in the triangle position facing the officers?

RB: Yes.

MDT: I mean, obviously in your mind you articulated already that was a threat to those officers. And just confirming, that was the reason you fired?

RB: Absolutely.

MDT: And then the second one, you also articulated. And again, I'm just briefing you back to make sure I understood it correctly. And if it's different, let me know. That he was also in the triangle shooting position, towards the officers. However, this time he didn't have anything in his gun (meant to say hand). You did not fire at that point. Then as he started to reach forward, in the area where you believe the gun was?

.

RB: Um huh.

MDT: Uh, that's when you fired your second shot?

RB: Yeah, at one point when the officers were telling him to put his hands up, or get down on the ground, he had turned to them and he again made the uh, shooting position with his arms. Again, hands extended in front of him. Hands clasped together, as he was pointing the gun at him. And again at that time I had seen the weapon fall out of his hand. The gun I believed, fall out of his hands. And I could clearly see from where I was at that there was nothing in his hands. I did not shoot him at that point.

MDT: Okay.

RB: It wasn't until he put his hands back down and he started moving forward again, towards where the gun was.

MDT: Okay, and what was your intent when you fired your first round? What was your intent at that point?

RB: My intent there was to protect the other officers.

MDT: What was your intent when you fired the second round?

RB: My intent was to protect the other officers.

MDT: Okay, and I think we already went, going with uh, you've already articulated what you believed the threat was. Lieutenant, do you have any questions?

JD: Yeah, just going back to the initial radio call, what information did you have from the radio in terms of the call when it first came out? Uh, in terms of the suspect's behavior, his actions?

RB: Uh, this suspect, what I recall on the original call lieutenant was uh, they did describe the suspect as being homeless, living in his vehicle. He had just been kind of crashing on the couch of whoever our R/P was, or one of the neighbors. I didn't get the whole nexus there of who the R/P was in relation to the suspect. I didn't know if that was the person they were living with, or neighbor or what. They did also mention that he's probably high on cocaine and alcohol.

MDT: That came out over the air?

RB: Yeah.

MDT: Okay. RB: Yeah.

JD: In terms of the weapon, did it get from...?

RB: The weapon came out as a handgun.

JD: Handgun, okay.

RB: It was a 417 with a handgun.

JD: And 417 is?

• 

RB: Is to, brandishing a firearm or other weapon.

JD: Okay, To your knowledge did he, did they initially come out about him threatening or pointing a gun at anyone in terms of parts of the body or anything like that?

RB: You know I just remember that it came out as he had 417, the reporting party.

JD: Okay.

RB: I don't recall anything after that. Again, I was typing at the time and it kind of happened fast. I wasn't even on the call until later, cause the air got tied up. I couldn't get on the air to tell them I was going to be there.

MDT: Okay. Bob, do you have anything else? RK: Yeah, a couple of things if you don't mind.

MDT: Sure, go right ahead.

RK: Uh, clarify some things that jumped out at me that might be confusing when they re-read it. Uh, you had interjected when you were talking to the sergeant about uh, I later learned it was a knife. And it was not clear to me whether, at what point you learned it was a knife.

RB: Okay, it wasn't until I went back to drop off the trauma kit. Through the entire incident and the shooting, I believed that was a gun. There was no doubt in my mind he had a handgun in his hand.

RK: So it wasn't some time intervening between the shots,,,

RB: No, it was not.

RK: that you learned it was a knife?

RB: It was after the suspect was down and when I went to give the trauma kit for, to offer first aid for him.

RK: As you give a statement right now, had you not seen that knife, do still believe it was a gun?

RB: Absolutely, it would be...

RK: Okay.

RB: you know, my story wouldn't change in terms of the gun.

RK: Also, you'd made a statement. I think it was just a misspeak, but you stated after your first round, that you thought your 'rounds' impacted him. The word you used was rounds...

RB: Okay.

RK: when it went through the back window?

RB: Yeah, it was one shot fired. It's uh, I believe it's eight pellets in those new rounds.

MDT: Right.

RB: Or nine pellets.

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RK: That's what you meant by plural?

RB: By plural I meant...

RK: Okay.

RB: because of the, the type of munition it was being a .12 gauge buck shot with multiple

projectiles.

RK: You're not meaning to imply you fired more than once at that point?

RB: No.

RK: Okay.

RB: It was one shot only.

RK: That's all I had sergeant, thank you.

MDT: All right. lieutenant, do you have anything else?

JD: Thank you, (inaudible). MDT: Anything you want to add?

RB: Uh, no. I believe uh we covered everything.

MDT: Okay.

RB: Unless you have any more specific questions?

MDT: No. I think we're good.

RB: The only thing I will add to it is, I know from my positioning too, that I had a very good back drop. I could clearly see there was no (inaudible). As for the other officers, I don't know what their backdrop was other than I knew we had a lot of traffic back behind my

car.

MDT: Um huh, okay.

RB: So I don't know if they were able to fire.

MDT: Oh, I do have one clarifying question. When you fired your first shot, were you in the

kneeling position or standing?

RB: I was in the kneeling position.

MDT: Okay.

RB: I'm sorry I didn't clarify that.

MDT: Um huh.

RB: The second round was taken from a standing position.

MDT: Okay, I have nothing further.

RK: No.

MDT: All right. The time now is going to be 1421 hours. We're going off the air now.

(, )

After the interview, Crime Scene Specialist, Jennifer SANDERS, #8393, came to the headquarters building and she photographed Officer BUTERA in his uniform as he appeared at the time of the shooting. CSS SANDERS advised me she already had possession of the shotgun Officer BUTERA used to shoot the suspect (Ser# Officer BUTERA'S shotgun was turned over to the firearms division of the crime lab for processing.

On June 4, 2013, CSS SANDERS returned BUTERA'S shotgun to me after it had been processed. I secured the shotgun until June 6, 2013 when Officer BUTERA came up to the Homicide Office to retrieve his weapon.

Reporting Detective Sergeant Manuel DEL TORO I.D. 4754 Homicide Team: V

Approved by: \_\_\_\_\_\_ Date of this report: 06-11-13 Time: 1600 Hrs.

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# SAN DIEGO POLICE DEPARTMENT INVESTIGATOR'S REPORT

**DATE** (occurrence):

June 1, 2013

TIME (occurrence):

0922 Hours

LOCATION:

100 Sea World Drive (North Bound)

**SUBJECT:** 

Inc #13060000530

OIS/Special Investigation – SDPD Case #13-021594

Officer BUTERA, Richard ID #5876, P.O. II.

**245(a)(2) PC, ADW (Gun) – SDPD Case #13-021595** Victim: Officer BUTERA, Richard ID #5876, P.O. II.

Suspect: CARGNONI, Giacomo James, W/M (21), DOB: 10-09-91

### SUBJECT INTERVIEWED:



## **WITNESS STATEMENT:**

On June 1, 2013, at approximately 0945 hours, I received a telephone call by Team V Homicide Sergeant M. Del Toro, #4754, informing me there had been an officer involved shooting and directed me to respond to 100 Sea World Drive. I arrived at the location at 1030 hours. At approximately 1100 hours an incident briefing was given by Acting Sergeant E. TAGABAN #5794. After the briefing, I was assigned to conduct interviews of the victim and witnesses involved in the initial dispatched radio call of CARGNONI brandishing a gun.

I spoke to who was the reporting party at 1238 hours and who was identified as a witness to the incident. I spoke to in my assigned unmarked department vehicle in the parking lot located adjacent to her residence which is located at was audio recorded. She in essence told me the following in response to my questions. Please refer to the audio recording for her complete statement:

I met CARGNONI while he was staying in the neighboring apartment complex. He had been coming around the past two weeks. I hadn't really had any one on one time with him. I had been seeing him around. He was dating who has been staying at house. CARGNONI had stayed at house a couple of times but had to tell him he wasn't allowed to stay over. FLANIGAN already had staying with him.

Things in the apartment complex started to go missing. It was last Sunday (5/26/2013) when we all decided it was time for CARGNONI and leave. I told CARGNONI he had to leave, so he did. I spoke to and told

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<sup>*</sup> Investigator's Report	
Case #: 13-021594	
Witness:	
Page 2	

her she would have to leave soon enough too. I didn't say she had to leave that day or the next but eventually she would have to.

Since Sunday, I have been busy, so I haven't seen all that has happened. I only heard about what was going on. I heard the something had been stolen and everyone assumed it was CARGNONI. was upset because CARGNONI had stolen his credit card and he (CARGNONI) had been asked to leave several times this past week. I heard there had been a couple of altercations during the week but I wasn't around to witness them. I guess there was an altercation last night while I was sleeping. I woke up this morning at about 0800 hours. I had two friends over and woke them up at about 0845 hours. We decided to all walk down the street to get coffee. As we were leaving my apartment, we noticed front door was open. I live in the apartment above Because things were being stolen, we thought it would be a good thing to shut his door. We went in apartment and saw sleeping on the couch sleeping on his bed. We left and shut the door behind us. As we were walking back from the coffee shop, we saw CARGNONI up the street to Santa Cruz Street. chased him as far as he could then eventually gave up and came back. We were standing out front on the sidewalk of our apartment complex. I guess CARGNONI's car was parked in the parking lot and went over to it. I never saw going through CARGNONI's trunk. CARGNONI came back. I didn't see what took place while and CARGNONI were at CARGNONI's car. The white Explorer was in the way. What I did see was

I didn't see what took place while and CARGNONI were at CARGNONI's car. The white Explorer was in the way. What I did see was CARGNONI chasing with the gun after they passed the white Explorer and headed toward the sidewalk. CARGNONI then placed the black gun to his own neck. I begin to see this erratic behavior. I assumed it was drug related. I don't think CARGNONI wanted to hurt a lon't remember hearing words being said to one another.

CARGNONI then pointed the gun back at a summed his back on CARGNONI. We told to run. CARGNONI began to run back to his car as he continued to look back toward our direction which caused him to run into the white Explorer and fall. I assumed he got up and ran back to his car because I then heard the sound of screeching tires, and that is when I called the police.

I saw CARGNONI speed off.

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Investigator's Case #: 13-02 Witness:	-		
Page 3			
	I didn't know CARGNeask him to leave	want him in my apa a couple of times.	rtment and I had to

was one of my two friends that had sent the

I concluded my interview with at 1252 hours.

night. I don't think he saw what happened.

My friend

Reporting Detective A. NAVARRO

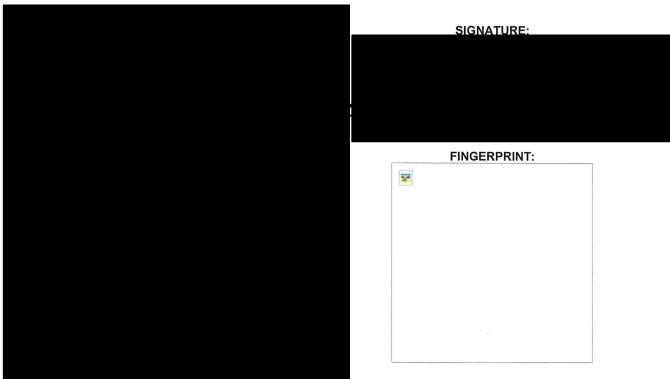
I.D. 5413 Homicide Team: Relief

Approved by:

Date of this report: 06-07-13 /an Time: 0900 Hours

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		( )





This photograph is a true copy of the photograph that is contained on the Department of Motor Vehicles photo database and delivered over the Department of Justice Cal-Photo communications network.

Date:	 /s/	

## SAN DIEGO POLICE DEPARTMENT INVESTIGATOR'S REPORT

**DATE** (occurrence):

June 1, 2013 (Saturday)

TIME (occurrence):

0922 Hours

LOCATION:

100 Sea World Dr.

**SUBJECT:** 

Inc #13060000530

OIS/Special Investigation – SDPD Case #13-021594

Officer BUTERA, Richard ID #5876, P.O. II.

**245(a)(2) PC, ADW (Gun) – SDPD Case #13-021595** Victim: Officer BUTERA, Richard ID #5876, P.O. II.

Suspect: CARGNONI, Giacomo James, W/M (21), DOB: 10-09-91

SUBJECT INTERVIEWED:

CARPENTER, John

SDPD Officer, ID# 5429

Western Division

1<sup>st</sup> Watch 0600-1600

#### WITNESS STATEMENT:

On June 1, 2013, at 0945 hours, I received a phone call from Homicide Detective Sergeant Manny DEL TORO (4754) asking me to respond to the area of Sunset Cliffs Blvd and Sea World Dr regarding an officer involved shooting (OIS) investigation. I arrived at the location at 1035 hrs.

At approximately 1100 hours, after the entire Homicide Team V arrived, Acting Sergeant TAGABAN (5794) briefed us on the OIS incident that occurred at 100 Sea World Drive. At the conclusion of the briefing, Sgt. DEL TORO directed me to interview Officer CARPENTER who was at Western Division located at 5215 Gains St.

At approximately 1243 hours, I interviewed Officer John CARPENTER. The interview was digitally recorded in its entirety and lasted approximately 29 minutes. My documentation is not intended to be a word for word account of our conversation, but it is an accurate summary of what Officer CARPENTER told me in response to my questions. The conversation was audio recorded and is stored on a disc. The disc will be filed with the evidence associated with this case. In essence, Officer CARPENTER stated the following in response to my questions.

I was at 4100 West Point Loma Blvd this morning when I heard a radio call come out of a man with a gun occurring now at Sunset Cliffs Blvd. I heard radio dispatch advise the suspect was last seen in a gray colored Volkswagen vehicle traveling north bound on Sunset Cliff Blvd. I pulled up my maps from the computer and saw the suspect could be possibly coming in my direction. I volunteered to assist with the call.

I was stopped at a red traffic light at West Point Loma Blvd and Sunset Cliffs Blvd to make a left turn when I saw a gray colored 4-door Volkswagen vehicle matching the description of the suspect vehicle traveling north bound on Sunset Cliffs Blvd. Radio dispatch advised there was no license plate given and the suspect was described as a

Investigator's Report Witness: Carpenter, John Case #13-021594 Page 2

white male, wearing no shirt, and wearing only sweat pants. I was able to see the suspect vehicle description matched and the driver was a white male with no shirt. I cut off the traffic at the intersection and immediately drove behind the vehicle near Dusty Rhodes Park on Sunset Cliffs Blvd. We stopped at the traffic light at the intersection of the I-5 Fwy. I saw in my rear mirror another SDPD police vehicle pulling up from behind, so as the traffic light turned green, I activated my overhead emergency lights for the driver to pull over. We continued driving straight on north bound Sunset Cliffs Blvd and over a bridge which automatically turns into Sea World Dr. The driver put out his left arm as he was driving and motioned with his hand by pointing to the right over the roof of the vehicle that he was possibly going to pull over to the right shoulder. The vehicle passed the bridge and slowed down to the right shoulder and came to a complete stop: 100 Sea World Rd.

I initiated a "Hot-Stop" (SDPD procedure of guns drawn to order a person out of vehicle) on the vehicle and saw that Officer KELLINGTON had came up to my right side passenger door and asked me to unlock it for him: so he could take that position for the hot-stop. I saw Officer MARTINEZ and Officer GREEN were behind me during the procedure. My vehicle was off-set from the suspect vehicle and approximately 20' behind it.

I yelled out for the driver to raise his hands and to drop his vehicle keys outside the driver's side window; which he did. I had the suspect, Giacomo CARGNONI exit his vehicle, step to the left side, and made him turn in one full rotation circle. Once he finished the rotation, he faced me and began walking in my direction. I yelled at him to stop, but he kept walking until he came toward the rear bumper of his vehicle. CARGNONI stopped, dropped the front of his pants, exposed himself where I could see his penis, and acted like he was grabbing something from inside his pants. I could see he did not have anything in his hands, but he quickly extended his arms forward as if he had a weapon. He put his hands together and pointed his fingers at me like if he had a gun.

From that point, CARGNONI would not do anything I asked him to do. CARGNONI immediately went to the front passenger door of his vehicle and opened it. I was yelling at him to stop. CARGNONI leaned into his car without exactly placing his feet inside and, began rummaging through the front seat and center console area. I could not see his hands, so I kept yelling at CARGNONI to get out of the car and onto the ground. He did not listen. My immediate thought was that he had a gun in the car and was going to get it. CARGNONI suddenly came out of the car, extended both of his arms forward toward us (referring to officers conducting the Hot-Stop), and used his hands and pointer finger to simulate a handgun. I could see CARGNONI did not have anything in his hands as he motioned like he had a gun. CARGNONI kept going back and forth into his vehicle several times and quickly would come out each time and extend his arms forward to simulate he was holding a gun. Each time, I could see his hands were empty, but it was very obvious he was trying to bait me and the other officers into possibly shooting him. The thought of "suicide by cop" crossed my mind after seeing CARGNONI going in and out of his vehicle and pretending he was aiming a gun at all of us. I kept ordering

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Investigator's Report Witness: Carpenter, John Case #13-021594 Page 3

CARGNONI to stop moving and to get on the ground, but he just ignored the orders and kept moving in and out of his vehicle.

CARGNONI then went to the rear of his vehicle, opened the trunk, and began rummaging through items inside. CARGNONI was throwing clothing and different articles out as he moved his hands around inside the trunk. He would quickly turn around to extend his arms out again to simulate he had a gun toward us. Again, I did not see anything in CARGNONI's hands, but felt each time he placed his hands back inside the vehicle was when he would have access to a gun to use against us.

From the vehicle trunk, CARGNONI went back to the front and rear passenger door and kept leaning inside rummaging through the seats. I felt he was looking for a gun. As CARGNONI entered the backseat from the rear passenger door, I was able to see him between the trunk door and the lower part of the back window. It appeared he was looking for something. I was vaguely aware Officer BUTERA (5876) was off to my left, just outside of my peripheral vision. I saw CARGNONI stand back out of the vehicle and extend his arms and hands out toward us in handgun shooting stance. This time he was holding something in his hands. From the view I had, I could see it was a knife, but to the other officer's view, I was not sure what they were seeing. CARGNONI was holding the knife as one would hold a gun. Suddenly, I heard one shot from my left side and although I did not see who shot, I knew Officer BUTERA was in the same area.

It was obvious CARGNONI was shot by the way he spun around and fell down the embankment away from the car. After being shot, I saw CARGNONI stand back up and knew immediately he was still a threat to all of us due to his irrational behavior. There was still a likelihood of a gun being in the vehicle. He was in close proximity to the open doors of the vehicle. CARGNONI took a step toward his vehicle and motioned as if he was getting something or holding something when I heard another pop coming from my left. Again, I knew the pop was from a gunshot that struck CARGNONI. He immediately fell to the ground. I did not shoot, nor did any of the officers to my right shoot. I knew it was Officer BUTERA who shot CARGNONI.

I and the other officers walked up to CARGNONI and saw he was struck several places on his upper chest area. CARGNONI took several breaths and then stopped breathing. All of the other officers then went into crime scene mode, including myself, and began taping off the area and getting with the sergeant on scene.

Officer CARPENTER had no additional information to offer and this concluded my interview at 1312 hours.

Reporting Detecti	ve Gary Gonzales		I.D.	5328	Homicide Team:	V	_
Approved by:			Date of this report	: _08-08-13	Time: _	1700	_
		9000					

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### SAN DIEGO POLICE DEPARTMENT INVESTIGATOR'S REPORT

	IIVESTIGATOR 5 RELORI
DATE (occurrence):	June 1, 2013 (Saturday)
TIME (occurrence):	0922 Hours
LOCATION:	100 Sea World Dr.
SUBJECT:	Inc #13060000530  OIS/Special Investigation – SDPD Case #13-021594  Officer BUTERA, Richard ID #5876, P.O. II.  245(a)(2) PC, ADW (Gun) – SDPD Case #13-021595  Victim: Officer BUTERA, Richard ID #5876, P.O. II.  Suspect: CARGNONI, Giacomo James, W/M (21), DOB: 10-09-91
SUBJECT INTERVIEWED	
WITNESS STATEMENT:	
On June 1, 2013, at 0945 hour GONZALES, Jana BEARD ar officer involved shooting.	s, Sergeant Manny DEL TORO along with Detectives Chris LEAHY, Gary and Angelica NAVARRO responded to 100 Sea World Drive regarding an
	, Sergeant Manny DEL TORO asked me to interview several witnesses who e day of the incident. The witnesses were
On June 3, 2013, at 1500 hours in the parking lot north of Winterview was digitally record stated the follows:	·
at Sunset Cliffs. My fi they first met Giacom	acomo (CARGNONI) was when he came over to my friend's place riends had met him previously at the beach. I wasn't there when o. Giacomo would come over to the house a lot and hang out. To to the beach during the day.
saw him the night befo to music and hanging	re. We were at my friend house in Pacific Beach listening out. We left house and saw that a tree had fallen on the tree off of his car and then Giacomo dropped me off at the

On Saturday (June 1, 2013) I got a call and text messages around 3:00 p.m. from all my friends saying Giacomo was dead and that he got shot on Sea World Drive. They

That was the last

Sunset Cliffs address

time I talked to him.

			\ .'

Investigator's Report
Witness:
Case #13-021594 and #13-021595
Page 2

basically wanted to let me know what had happen. I guess he was over at my friend's house and had his gun out. He left my friends house and the cops followed him and caught up to him.

My friends				
and	who	lived	in	the
complex told me this. I was staying there at the time. I didn't stay the	re that	Frida	y ni	ight
before the incident. I stayed at my friend house that Friday night	ht.		-	

I woke up Saturday morning and found out what had happened to Giacomo. It happened at house. A didn't witness anything.

Two days (Thursday) before the incident, my friend was having a break down. I overheard Giacomo say to her he had suicide thoughts in the past. He told my friend he was going to take her to the church to help her get better. Giacomo was being very supportive. I just don't know what happened between those two days.

I don't know if he ever attempted suicide. I just know he had thoughts about it. He never explained it to me. I know Giacomo smoked 'weed' every couple of days. I never saw him do anything else but apparently they found pills in his car. I think they were anxiety pills. I don't know exactly what they were.

No, I never saw him do 'meth' uppers or downers. Giacomo was always relaxed, calm and nice. I don't understand what happened here. He has always been a good person. This was really weird for this to happen.

The one time I saw Giacomo mad was when a guy slapped me and he got really defensive about it. He cared about me. He never got into a fight. We just got into the car and left. He was just yelling, 'Dude you can't hit a girl. That's not cool'. He was defending me.

I have no idea why he had a gun. I never saw the gun before but he may have mentioned it before. I overheard him telling someone about the gun at one of our parties. He didn't specifically tell me. I saw the gun in a soft case when he opened his arm rest one day. The gun was formed to the case. I knew there was a gun in the case. He didn't say anything about it. I glanced over and saw it. I didn't feel comfortable asking him about it.

The stories I'm hearing are so choppy from everyone. I'm trying to figure out what happened.

No, I have never on any other occasion seen Giacomo put a gun to his head. No I have never seen him violent. He is always chill and calm. I didn't know he was taking any medications.

Investigator's Report
Witness:
Case #13-021594 and #13-021595
Page 3

I've known Giacomo for a month but have only hung out with him for about three weeks. I did not know him extremely well. I would see him around four times a week. We'd usually go to the beach at Sunset Cliffs. I've smoked 'weed' with him.

I knew Giacomo liked me. We were hanging out a lot. We kissed and I slept with him once. We weren't boyfriend/girlfriend, but I felt we were getting closer. We were almost to the point of dating and I liked him.

I can't believe this happened. There were no signs at all. I just saw him the night before. I saw him for about six hours. We were at my friend house in Pacific Beach. Giacomo dropped me off at the Sunset Cliff house around 8:00 p.m.

I then concluded my interview with at approximately 1520 hours.

Reporting Detective D. WARRICK I.D. 4199 Homicide Team: V

Approved by: Date of this report: 06-05-13 Time: 1500 Hrs.

## SAN DIEGO POLICE DEPARTMENT INVESTIGATOR'S REPORT

DATE (occurrence):

June 1, 2013 (Saturday)

TIME (occurrence):

0922 Hours

**LOCATION:** 

100 Sea World Dr.

**SUBJECT:** 

Inc #13060000530

OIS/Special Investigation – SDPD Case #13-021594

Officer BUTERA, Richard ID #5876, P.O. II.

**245(a)(2) PC, ADW (Gun) – SDPD Case #13-021595** Victim: Officer BUTERA, Richard ID #5876, P.O. II.

Suspect: CARGNONI, Giacomo James, W/M (21), DOB: 10-09-91

SUBJECT INTERVIEWED:

KELLINGTON, Michael

SDPD Officer, ID# 6384

Western Division 1<sup>st</sup> Watch 0600-1600

#### WITNESS STATEMENT:

On June 1, 2013, at 0945 hours, I received a phone call from Homicide Detective Sergeant Manny DEL TORO (4754) asking me to respond to the area of Sunset Cliffs Blvd and Sea World Dr. regarding an officer involved shooting (OIS) investigation. I arrived at the location at 1035 hrs.

At approximately 1100 hours, after the entire Homicide Team V arrived, Acting Sergeant TAGABAN (5794) briefed us on the OIS incident that occurred at 100 Sea World Drive. At the conclusion of the briefing, Sgt. DEL TORO directed me to interview Officer KELLINGTON who was at Western Division located at 5215 Gains St.

At approximately 1349 hours, I interviewed Officer Michael KELLINGTON. The interview was digitally recorded in its entirety and lasted approximately twenty-four minutes. My documentation is not intended to be a word for word account of our conversation, but it is an accurate summary of what Officer KELLINGTON told me in response to my questions. The conversation was audio recorded and is stored on a disc. The disc will be filed with the evidence associated with this case. In essence, Officer KELLINGTON stated the following in response to my questions:

I was exiting the Sports Arena parking lot when I heard radio dispatch put out a "hot call" (SDPD term for a crime occurring now) of a man with a gun occurring now at Sunset Cliff Blvd. The dispatcher advised the suspect was last seen in a gray colored Volkswagen vehicle traveling north bound on Sunset Cliffs Blvd. I responded to the area and heard Officer CARPENTER put out on the radio he had the vehicle with the suspect inside driving north on Sunset Cliffs Blvd. I drove to the location and saw I was the third police unit behind the subject vehicle. Officer CARPENTER stopped the vehicle north bound 100 Sea World Dr and initiated a "Hot Stop." (SDPD term used to describe a felony stop with guns drawn).

'Investigator's Report

Witness: KELLINGTON, Michael

Case #13-021594

Page 2

I was able to see Officers CARPENTER (5429) and MARTINEZ (5668) were already putting themselves into a position for the Hot Stop. I grabbed my shotgun and ran over to the front passenger door of Officer CARPENTER'S vehicle and took a position behind it. During the Hot Stop, Officer CARPENTER was giving orders for the suspect to get out of the car, put his hands up, and turn around so to see if he had any weapons, but none was seen. The suspect, Giacomo CARGNONI, followed the directions of Officer CARPENTER by getting out of the vehicle, putting his hands up, turning around, and then walking backwards toward us. Suddenly, CARGNONI acted differently by putting both hands inside the front of his pants and then pulling them out quickly as to simulate a gun and pointed straight at us: I did not see any gun or object in his hands. CARGNONI placed his hands so quickly into the front of his pants that his pants stretched downward enough where I was able to see his penis. I also thought CARGNONI might be under the influence of some drug, possibly PCP, by the way he was acting.

Officer CARPENTER was yelling out for CARGNONI to stop moving in a clear and loud voice. CARGNONI did not comply and ran around the rear of his vehicle to the front passenger door. CARGNONI opened the door, leaned inside, and began rummaging through seat and floor. I thought CARGNONI was grabbing a gun, since the original call came out as him having a gun. CARGNONI then leaned back out of the vehicle and jumped into a two point stance and again simulated he had a gun by pointing his hands at us. I could see CARGNONI did not have a gun, but he kept acting like he had one by the way he put his hands together and the stance he was using to aim at us.

There was a point where CARGNONI went to the rear of his vehicle and opened the trunk. CARGNONI reached inside, began rummaging through the bottom as if he was looking for something. He then started to throw items and clothing onto the street. CARGNONI would look back at us (police) and grin or smirk, sort of like he was taunting us while he was searching the trunk. CARGNONI stopped looking into the trunk and ran back to the right side of vehicle. This time he opened the rear door and leaned inside. There was a small opening between the bottom of the trunk and vehicle that I was able to see CARGNONI through the rear window. I saw him moving around in the back seat and then turn his head to see us between the same opening and smiled at us.

By the way CARGNONI was smiling, I felt he had found his gun and was ready to come out with it. At that moment, I actually put my finger on the trigger of my gun and felt this was the moment CARGNONI was going to do something. CARGNONI came out quickly once again, jumped into a two point stance facing us (police). He quickly simulated he had a gun. I saw he had a knife in his hands. I almost shot, but I was able to see the knife from the angle I had. As CARGNONI was simulating a gun, I heard a loud gunshot coming from my left side. CARGNONI stumbled down the embankment for a bit and fell down. I saw CARGNONI get back up and began moving rapidly toward the car when I heard another gunshot from my left side. CARGNONI immediately fell to the ground and laid on his side.

I did not know at first who shot, nor did I see anyone shoot, but I do remember seeing Officer Butera (5876) on the other side of the road (south bound lanes of 100 Sea World

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Investigator's Report Witness: KELLINGTON, Michael Case #13-021594 Page 3

Dr). He was walking in a south bound direction toward us. After the incident was over is when I realized Officer Butera had shot CARGNONI. I secured my shotgun in my vehicle and walked back to CARGNONI. Officers began giving him CPR.

Officer KELLINGTON had no additional information to offer and this concluded my interview at 1414 hours.

Reporting Detective	Gary Gonzales	<u> </u>	I.D.	5328	Homicide Team:	V
Approved by:		4754	Date of this report:	06-06-13	Time:	1700
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# SAN DIEGO POLICE DEPARTMENT INVESTIGATOR'S REPORT

**DATE** (occurrence):

June 1, 2013 (Saturday)

TIME (occurrence):

0922 Hours

LOCATION:

100 Sea World Dr.

SUBJECT:

Inc #13060000530

OIS/Special Investigation – SDPD Case #13-021594

Officer BUTERA, Richard ID #5876, P.O. II.

**245(a)(2) PC, ADW (Gun) – SDPD Case** #13-021595 Victim: Officer BUTERA, Richard ID #5876, P.O. II.

Suspect: CARGNONI, Giacomo James, W/M (21), DOB: 10-09-91

SUBJECT INTERVIEWED:

**MARTINEZ**, Jeffrey

SDPD Officer, ID# 5668

Western Division

1<sup>st</sup> Watch 0600-1600

#### WITNESS STATEMENT:

On June 1, 2013, at 0945 hours, I received a phone call from Homicide Detective Sergeant Manny DEL TORO (4754) asking me to respond to the area of Sunset Cliffs Blvd and Sea World Dr regarding an officer involved shooting (OIS) investigation. I arrived at the location at 1035 hrs.

At approximately 1100 hours, after the entire Homicide Team V arrived, Acting Sergeant Tagaban (5794) briefed us on the OIS incident that occurred at 100 Sea World Drive. At the conclusion of the briefing, Sgt. Del Toro directed me to interview Officer MARTINEZ who was at Western Division located at 5215 Gains St.

At approximately 1323 hours, I interviewed Officer Jeffrey MARTINEZ. The interview was digitally recorded in its entirety and lasted approximately twenty minutes. My documentation is not intended to be a word for word account of our conversation, but it is an accurate summary of what Officer MARTINEZ told me in response to my questions. The conversation was audio recorded and is stored on a disc. The disc will be filed with the evidence associated with this case. In essence, Officer MARTINEZ stated the following in response to my questions.

I responded from 4100 West Point Loma Blvd this morning when radio dispatch put out a call of a man with a gun occurring now at Sunset Cliff Blvd. While driving to the location, I heard Officer CARPENTER (5429) put out on the radio he was behind a possible vehicle with the suspect driving north bound Sunset Cliffs passing Dusty Rhodes Park. I drove onto Nimitz Blvd and was able to see Officer CARPENTER following the suspect vehicle. I pulled in behind Officer CARPENTER and became the second vehicle in line. Officer CARPENTER did not have his overhead traffic lights on and looked as if he was waiting to get off the bridge for a better location to stop the vehicle. As Officer CARPENTER and I drove closer to the end of the bridge, he activated his traffic lights for the driver to pull over and stop. The suspect, Giacomo CARGNONI, drove at a

Învestigator's Report

Witness: MARTINEZ, Jeffrey

Case #13-021594

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slower speed and pointed his hand out his window to motion as if he could not pull over and then soon pulled over to the right curb near 100 Sea World Drive.

I immediately jumped out of my vehicle and ran to the front right passenger door of Officer CARPENTER's car to grab the shotgun inside so to conduct a vehicle "Hot Stop." I quickly noticed the front passenger door was locked, so I went to the right rear side of the vehicle and pulled out my service handgun to assist in the Hot Stop. I saw Officer KELLINGTON (6384) had come from behind me and went to the front passenger door after Officer CARPENTER had unlocked it for him. He took a position of cover behind the front right passenger door. I then walked up to Officer KELLINGTON from behind and took the position with him at the passenger side door during the entire time of the Hot Stop. Officer CARPENTER'S vehicle was approximately 15' behind CARGNONI's vehicle, which was the typical distance I have seen in this type of procedure.

Officer CARPENTER was yelling out for CARGNONI to get out of the vehicle, but he did not comply at first, however instead he leaned over into the front seat area and began rummaging through something. I thought at that time he was grabbing a gun or even loading it, since the radio call mentioned he was armed with a handgun. CARGNONI stayed in the front seat for at least thirty seconds and then stepped out as he was ordered by Officer CARPENTER.

Once CARGNONI was out of his vehicle, he was ordered to turn around and walk back toward our vehicle. He complied until he was just past the rear of his car. CARGNONI then placed both of his hands inside his waist band and quickly pulled out his hands to motion as if he had a gun. It did seem as though CARGNONI was baiting us (police) to shoot him by the way he acted as if he had a gun. I could see CARGNONI did not have a gun when he acted out, but what he was doing was strange.

CARGNONI then ran around his vehicle to the front passenger door and opened it. Officer CARPENTER was yelling to CARGNONI to stop and not to go inside the vehicle. He did not listen to us and just ignored everything we said. CARGNONI reached inside the front passenger area without actually going inside and began rummaging through the seat and flooring. CARGNONI then leaned back out of the vehicle and "popped" into a two point stance and aimed his hands at us as if he had a gun. I could see CARGNONI did not have a gun, but he kept acting like he had one by the way he put his hands together and the stance he was using to aim at us. I have heard of suicide by cop through my training at the academy, but never experienced it before until now. I felt CARGNONI was acting out in this manner to get all of us to shoot him.

During the entire time CARGNONI was acting out, Officer CARPENTER was giving him orders to stop moving. All the while he kept reaching in and out of the front passenger seat looking for something. It was obvious CARGNONI was not going to listen to anyone by the way he was just looking straight through us as if we were not even there. Every time CARGNONI would reach into the vehicle, I felt he was going to pull

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Investigator's Report

Witness: MARTINEZ, Jeffrey

Case #13-021594

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out a gun and shoot at me. However, each time CARGNONI would get into a shooting stance and simulate a gun with his hands, I was able to see he was not holding anything.

There was a point where CARGNONI did go to the rear of his vehicle and open the trunk. CARGNONI then reached inside, began rummaging through the bottom, and threw items and clothing onto the street. CARGNONI then turned around quickly and simulated he had a gun by point his two hands at us. CARGNONI went to the right rear door and opened it, but then he went behind it like we (police) do in a Hot Stop for cover and crouched down to simulate he had a gun and pointed it at us. I could see CARGNONI did not have a gun, but his actions were like he did have one.

CARGNONI then went to the front passenger door and leaned in and popped out with something black in his hands. I could not see what the object was, but immediately thought it was a gun. I then heard a gunshot and thought originally Officer CARPENTER had shot because the sound came from my left side. I saw CARGNONI hunched down when the shot went off and kind of walked down the embankment, but stood back up and walked back toward us. Once CARGNONI began walking, I heard another shot from my left side and saw him fall down to the ground. None of us (police) left our position of cover for a moment and shortly after, all of us walked over to CARGNONI. I saw CARGNONI was bleeding really badly from his left side of the chest and had a lot of chewed up white pills inside his mouth. CARGNONI never said a word the entire time I saw him and it was very obvious to me he wanted to be shot by us. I saw the object CARGNONI was holding onto was a knife and it was lying on the ground near him. I did render first aid to CARGNONI by giving CPR until medics arrived and they worked on him for another fifteen minutes before they transported him away.

After the incident was over, I learned for the first time Officer BUTERA (5876) was the officer who shot CARGNONI, not Officer CARPENTER. I did see Officer BUTERA earlier during the Hot Stop on my left side, but on the other side of the road (south bound 100 Sea World Dr). I saw he had a long gun, but not sure what type. I did not see Officer BUTERA shoot, but only heard the shots as I was focused on CARGNONI.

Officer MARTINEZ had no additional information to offer and this concluded my interview at 1344 hours.

Reporting Detective	Gary Gonzales	I.D.	5328	Homicide Team:	V
Approved by:	9	754 Date of this report:	08-08-13	Time:	1700
	08/15/13				

William A
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# SAN DIEGO POLICE DEPARTMENT INVESTIGATOR'S REPORT

DATE (occurrence):

June 1, 2013 (Saturday)

TIME (occurrence):

0922 Hours

LOCATION:

100 Sea World Dr.

**SUBJECT:** 

Inc #13060000530

OIS/Special Investigation – SDPD Case #13-021594

Officer BUTERA, Richard ID #5876, P.O. II.

**245(a)(2) PC, ADW (Gun) – SDPD Case #13-021595** Victim: Officer BUTERA, Richard ID #5876, P.O. II.

Suspect: CARGNONI, Giacomo James, W/M (21), DOB: 10-09-91

#### SUBJECT INTERVIEWED:



### **WITNESS STATEMENT:**

On June 1, 2013, at about 0945 hours, I received a call from Sergeant Manny DEL TORO, #4754. Sgt. DELTORO directed me to respond to the area of Sea World Drive and West Mission Bay Drive to assist in an officer involved shooting incident.

I arrived on scene at about 1020 hours. At 1100 hours, I attended a briefing conducted by Acting Sergeant Esmeralda TAGABAN #5794. The briefing concluded at 1120 hours.

At the conclusion of the briefing I was assigned to assist Detective Chris LEAHY, #5869, with the scene investigation. After I concluded my time with Detective LEAHY I went to Western Division to assist with witness officer interviews. I later returned to the homicide office and was informed by Sgt. DELTORO that a witness had called into communications and needed to be interviewed.

I called the witness, and spoke with her briefly over the phone. I arranged to meet with at her home for an interview on June 3, 2013 at 1200 hours.

On June 3, at approximately 1200 hours, I met with who essentially told me the following:

I had just dropped my family off at the airport so I was coming back via Nimitz Blvd. So I was heading toward Sea World from the airport. I was heading north on Nimitz and got to that intersection where you can turn right and get onto the 8 freeway. So right when I got to that intersection, I could see police cars coming; heading south. They made a uturn and then I pulled over to the right. They had their lights and sirens on.

I got through the intersection and just pulled over to the right. I think there were two police cars that passed me on the left. I pulled back to head north again and I could see

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they (police) stopped up there. There was already another police car stopped up there with this grey Volkswagen. So it was a dark grey Volkswagen, a stopped police car and then those two new ones that had just pulled up.

I thought I was just going to go around this, whatever they are doing. As I was pulling into the left hand lane, I could see the cars kind of lined up. Before I knew it, another police car came, I'm not sure if it came north or south, but suddenly that car was right behind me and I could not move over to the right anymore because that police car moved to my right so they could get around me. They were not waiting for me to pull over to the right again. Then all of a sudden that police car pulled like this (demonstrating perpendicular) in front of me and stopped me.

I stopped obviously. That police woman got out of that car and ran over to the other ones. She just kind of glanced at me and I just kind of went like this (demonstrating with her hands up), with an 'I'll stay right here' motion. I couldn't move anyway because she was in front of me. So she kind of went over to the other police cars. Shortly thereafter, another police car heading south stopped opposite of all of those cars. There is a cement barricade there and that officer stopped opposite the other police cars.

I could hear all of them yelling to the person that was sitting in the Volkswagen, "Get out of the car with your hands up". They were saying it in a variety of ways. They said it over and over again. Finally the person got out of the car. It was a guy, tall, thin with no shirt on. He seemed to be white, but he was tan. He could have been Hispanic, but looked more Caucasian to me. He got out and put his hands up (demonstrated by holding her hands over her head). He stood there and it was like split seconds. I was nervous and I'm not sure how much time each thing I am observing is. He had his hands above his head and he walks, he turned around and he walked toward the back of his car. He was on the driver's side of his car and walked toward the back bumper. He stood there for maybe a second, still with his hands over his head.

I was looking over to the right, the police over there. The police man on the other side of the barricade. I was kind of looking all over. The next thing I notice is there is stuff on the ground, near his trunk. I think he opened the back of his trunk. But to be completely honest, I'm not sure I saw him open the trunk because I am looking at all of the stuff going on. For a split second, I thought that he was on the ground. I think that was because that is what my brain is telling me is the next thing he should do. In actuality he wasn't, he was still standing. There was a big white, like a pillow case or a bag with dirty laundry, on the ground. I thought for a second it was him, but it was the bag. He was still standing. I was still looking around trying to do the whole scene, I was still looking at him but I am also looking elsewhere.

Yes, the officers were still yelling at him. My windows were up, but I could hear voices; muffled. I believed they were saying something to him at that point. It wasn't as loud as when they were telling him to get out of the car.

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Witness:
Case #13-021594 and #13-021595
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The next thing that I recall is that he like bolted. He ran around the back of his car and over to the driver's side (later clarified passenger's side). He got into the front passenger door. The next thing I remember seeing is he was going down, head first, into the front passenger seat. It looked like he moved around the trunk to the passenger's side. It was all happening so fast and you just expect someone to obey. None of this stuff was making sense.

Then at that time I thought this is going to be really bad. I was thinking to myself, 'He could get a gun or something and try to shoot those policeman and guess what? You are right in almost a straight line'. I started going down (ducking). I was leaning down to my right. I was thinking I better get away from my window. I started leaning over. I was looking down as I was going down. As I was just about down I heard a pop. My level of eyes, I could still see a little bit out of the front window. When I looked up after the pop I saw something white in the air. I wasn't quite sure what it was; maybe smoke. It was near the Volkswagen car, the passenger side. There was a whitish something in the air. Now I know when I drove by I noticed a broken window, so maybe it was glass or something.

I only heard one pop. Obviously I have seen stuff on television about two, but all I heard was one.

The last time I remember seeing the guy was when he was going into the passenger side of his car. I would assume it was the front passenger side door, but I was at such an angle I could not tell.

The trunk was open and things were on the ground. From my side I could not see the full trunk because there was a police car there too. I don't remember if the driver's door was open.

No, I don't recall him saying anything to the officers. No, I don't recall anything in his hands, but I did not see him when he went over to that passenger side door.

(Do you recall where the officer you saw come in from south was?) Yes, he was on the opposite side of the street by the cement barricade. He had a shotgun or a rifle. He had it pointed in the direction of the car.

At this point in the interview I drew out a diagram of the area. I drew out the northbound traffic lanes and the suspect vehicle position. I then asked to place the position of the police cars and her general location (refer to attached diagram). I later (off tape) asked how far she thought she was from the suspect vehicle. She estimated 50 feet.

went onto say,

I think the reason I can't remember seeing the guy open his trunk is because this officer (with shotgun) kind of scared me and my intention was kind of drawn to him for awhile. I think when I looked up I saw the white bag on the ground.

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I think the officers is maybe more over here (near the first and second police car). They weren't real close to the guy that's for sure. It was hard for me to see east of the cars.

Yes, the officers had their guns drawn.

I only heard one loud noise. I can't say I have ever heard a gun go off, or be fired. It sounded like a loud pop. It surprised me that it sounded like a pop. I don't know what I thought it would sound like. It sounded kind of like a firecracker. It sounded muddled, not crisp.

I would say this was about 0920, sometime around there. You know I have an I-phone. It occurred to me I could videotape it or take pictures. I made a conscious decision to not do that. I was afraid someone was going to get hurt; the officers or the person. I did not want anything on my personal phone. It just felt so weird and I didn't want to capture it.

I concluded the interview at about 1225 hours. The interview was recorded in its' entirety, refer to recording for complete details. After concluding the interview I spoke with and thanked her for calling in and reporting herself as a witness. I also told her she did the right thing by trusting instincts and taking cover. was very complimentary toward the officers and their action essentially stating they exhibited extreme patience. I then realized I had not asked her what happened after the shooting occurred and went back on tape.

essentially said,

You know what I saw and this was really odd, this is an odd thing that stuck in my head. It seemed like the officers moved back. They didn't rush in towards, it seemed like they moved back. I don't know what that means, but that kind of surprised me. As I thought about it later on, that is what they should do.

No, I never saw the suspect after that. After that one shot that I heard I saw police officers immediately take a few steps back and then after a second or whatever they were moving toward the car on the right hand side (passenger side).

After a minute or two, a female officer walked back toward where I was. She came up to my driver's side. She told me she needed me to pull up to the right to get an ambulance through. I put my car in reverse. Someone was talking to her through her radio. Then she told me to stop. She walked away and I sat there a few more minutes. She came back and said she was going to move her car and wanted me to leave.

(You mentioned off tape that the officers exercised extreme patience.) Absolutely because he wasn't doing what they were saying. When he walked back to the back of the car, he kind of stood there.

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Witness: Case #13-021594 and #13-021595
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Like I said, I thought I recalled in between looking at the officer on the other side of the cement, that he got stuff out of his car and threw it on the ground. I just thought at that point they maybe could have done something. I just thought they were totally restrained. I think they gave him a lot of leeway. And then later on that night watching the news I found out this person had a gun over in Sunset Cliffs. It was even more amazing to me they didn't do something to him when he was at the back of the car. I was very impressed.

told me she was driving her 2013 BMW SUV at the time of the incident (California license plate number

Reporting Detective	Jana BEARD		I.D.	4807	Homicide Team:	V
Approved by:	07. July 2	Date of this	s report:	06-06-13	Time:	1000

# **CALIFORNIA DEPARTMENT OF MOTOR VEHICLES**

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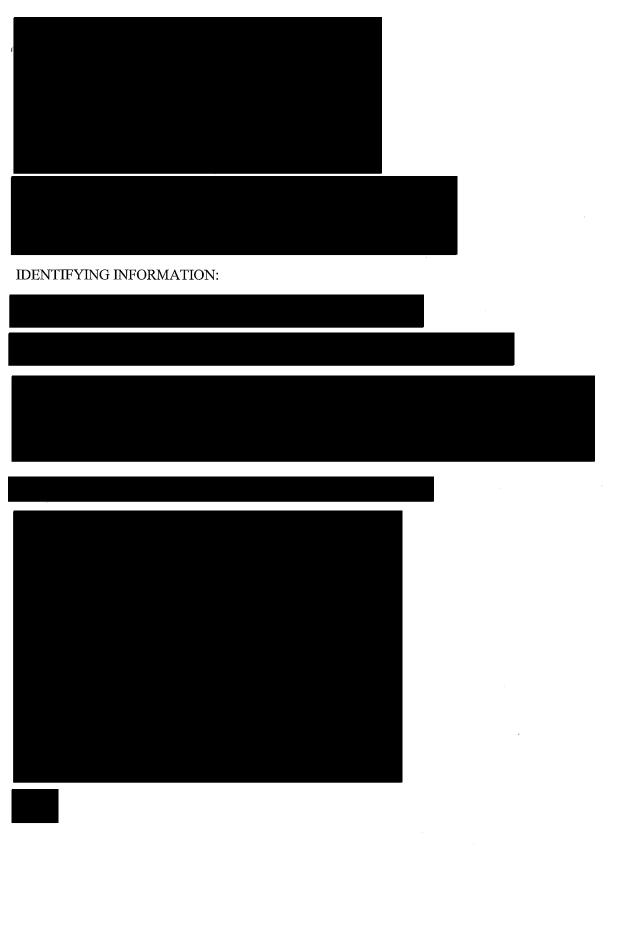
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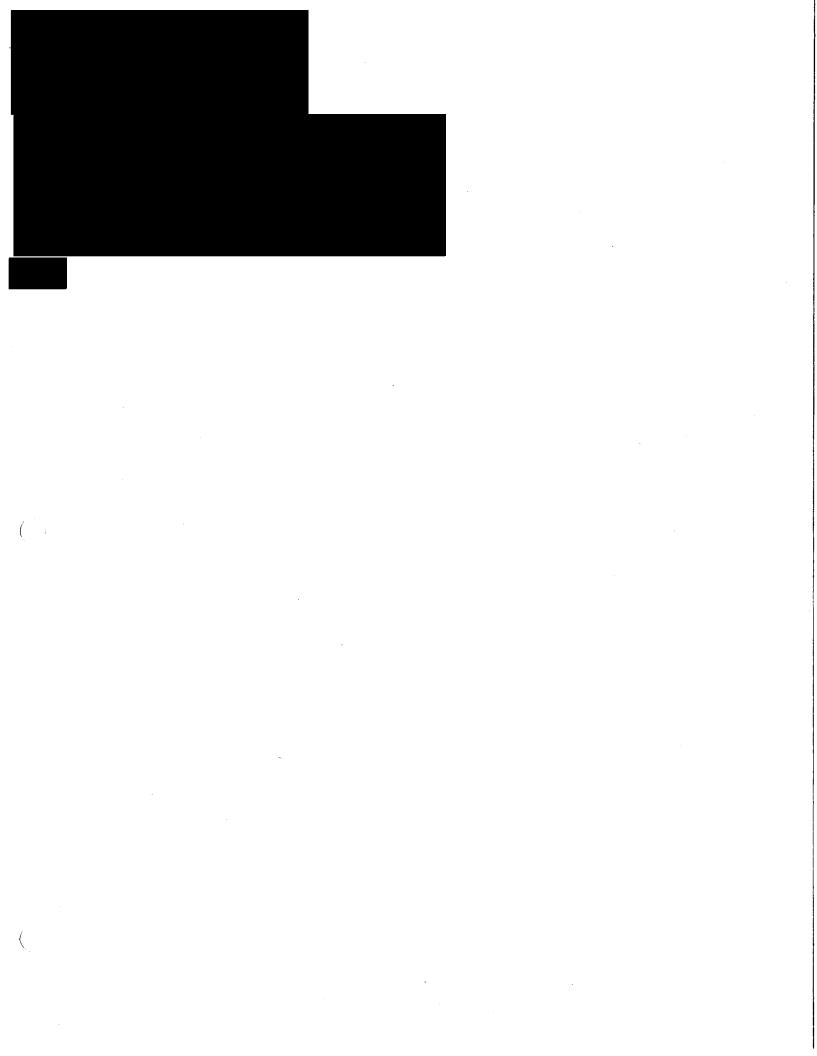
**RESTRICTIONS:** 



This photograph is a true copy of the photograph that is contained on the Department of Motor Vehicles photo database and delivered over the Department of Justice Cal-Photo communications network.

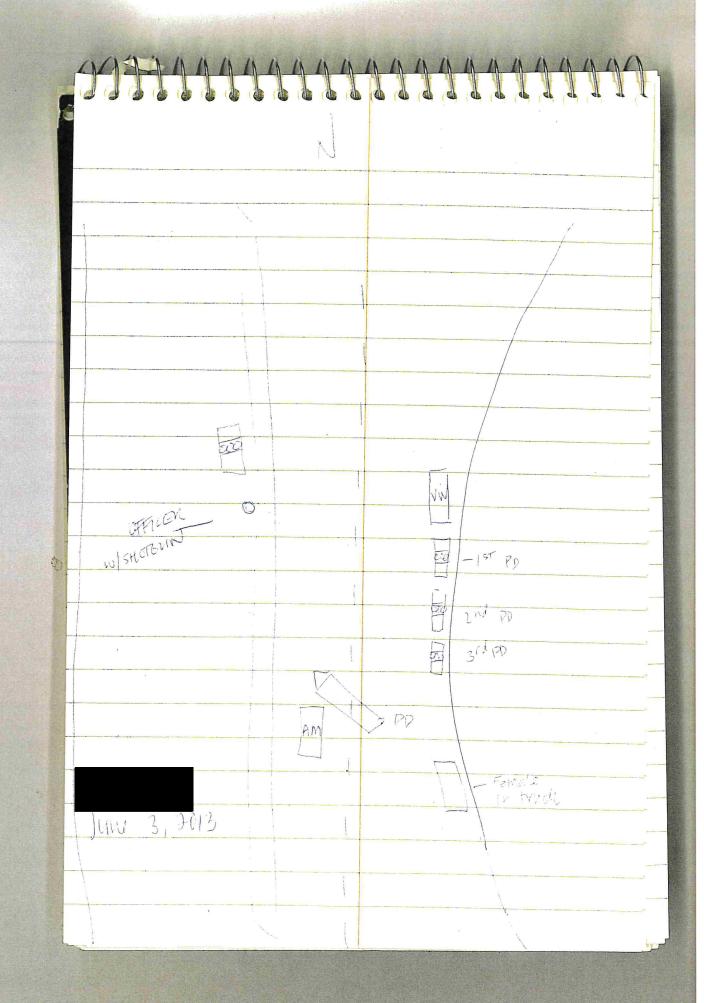
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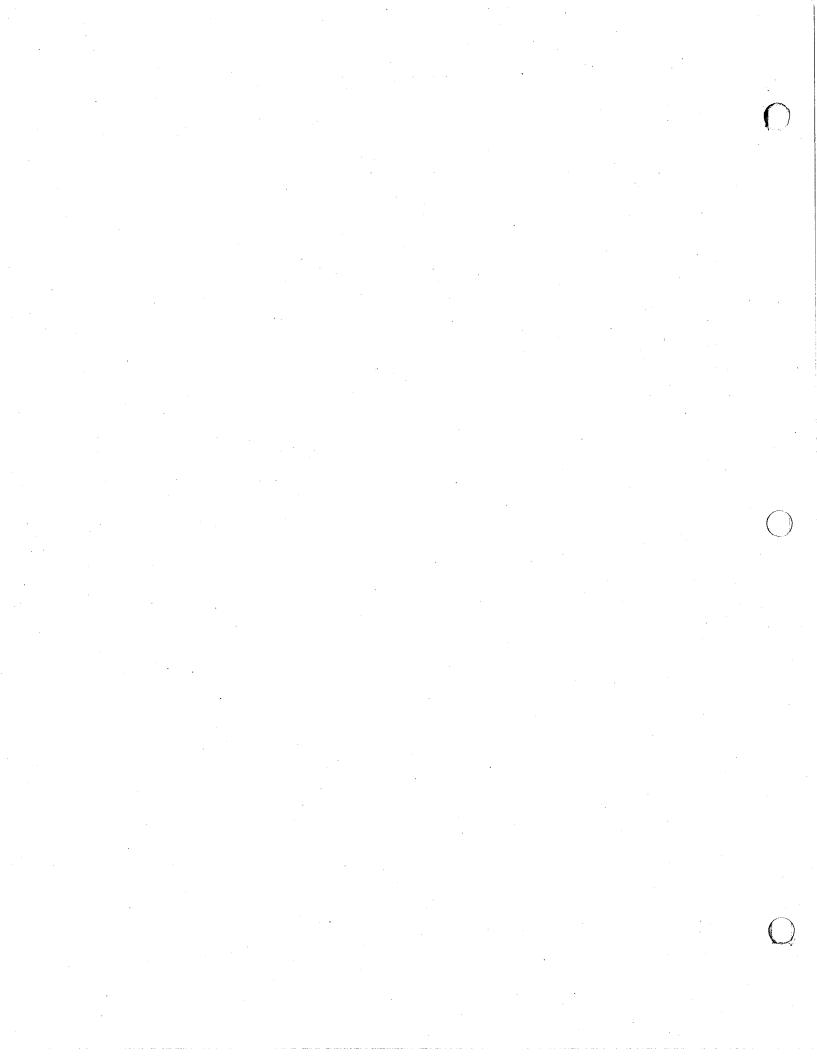






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# SAN DIEGO POLICE DEPARTMENT INVESTIGATOR'S REPORT

DATE (occurrence):

June 1, 2013

TIME (occurrence):

0922 Hours

LOCATION:

100 Sea World Drive (North Bound)

**SUBJECT:** 

Inc #13060000530

OIS/Special Investigation – SDPD Case #13-021594

Officer BUTERA, Richard ID #5876, P.O. II.

**245(a)(2) PC, ADW (Gun) – SDPD Case #13-021595** Victim: Officer BUTERA, Richard ID #5876, P.O. II.

Suspect: CARGNONI, Giacomo James, W/M (21), DOB: 10-09-91

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#### **SUBJECT INTERVIEWED:**



#### **WITNESS STATEMENT:**

On June 1, 2013, at approximately 0945 hours, I received a telephone call by Team V Homicide Sergeant M. DEL TORO #4754 informing me there had been an officer involved shooting. He directed me to respond to 100 Sea World Drive. I arrived at the location at 1030 hours. At approximately 1100 hours an incident briefing was given by Acting Sergeant E. TAGABAN, #5794. After the briefing, I was assigned to conduct interviews of the victim and witnesses involved in the initial dispatched radio call of CARGNONI brandishing a gun.

I spoke to wh	no was identified	as a witness to the incider	nt. I spoke to
assigned unmarked department	t vehicle in the par	rking lot located adjacent t	o her residence located at
My inter	view with	was audio recorded	. She in essence told m
following in response to my qu	estions. Please ref	fer to the audio recording for	or her verbatim statement:
I got to	partment at about	0100 or 0130 hours. We h	ad a couple of drinks.
and	were downstairs	in their apartment, so we v	valked back and forth.
was alread	y in bed when I g	got to her apartment. She	wasn't hanging out. I
eventually went to slee	p on	couch. We woke up at al	out 0800-0830 hours
and we decided to go	and get coffee. V	We went downstairs and n	oticed
front door was o <u>pen. W</u>	Ve went inside and	d noticed was asleep	in the living room on
a beanbag and	was asleer	o in his <del>bedro</del> om. We di	dn't see anyone else
sleeping. We left and sl		•	·
We got our coffee and	staved for about	a half an hour at the coff	ee shop. As we were
_	-	ing across Sunset Cliff's I	<u> </u>
		was chasing.	

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that point. I saw CARGNONI run up to Santa Cruz Street. CARGNONI was not wearing a shirt or shoes. He was only wearing sweatpants. came back stating that he had chased CARGNONI and that CARGNONI had placed a knife to his neck. was all worked up.	
CARGNONI's car was parked in the parking lot and I saw walk over to it and start messing with it. I then saw CARGNONI shoot down the walkway in between the two buildings and run to his car. CARGNONI didn't come back to his car right away. He must have lingered for about a minute. It was long enough for to take things out of CARGNONI's car. CARGNONI took out his gun from his car and put the gun right up to face. I saw all of it. I was standing at the corner.	
CARGNONI and started running. They ran passed my car (white Explorer) and that's when I saw CARGNONI place the gun behind head. CARGNONI told to get away from him. They were both screaming. There was one point when CARGNONI pointed the gun at his own chin and said, "Get away from me". The ran back to the apartment and CARGNONI turned to run back to his car and ran into my car. CARGNONI fell down and that is when and I ran into her apartment to call the police. I am not sure why CARGNONI pointed the gun to himself. It was very bizarre.	
I could only hear CARGNONI yell out for to get away from him. I don't know CARGNONI but I assumed by his behavior he was on drugs.	
It wasn't long after when I heard him speed off. He must have taken the time to put the things that had taken out back into his car. came back out from his apartment with a bat but CARGNONI had already sped off.	
I didn't see CARGNONI drive out of the parking lot but only heard him speed off and drive down Sunset Cliff's Blvd. I was able to see he was driving a gray Volkswagen.	
was in his apartment, I never noticed that he had come outside. His front door was open. walked up with and me but ended up going into apartment with when the incident took place and came out after.	

Reporting Detective A NAVARRO I.D. 5413 Homicide Team: Relief

Approved by: Date of this report: 06-07-13 /an Time: 0900 Hours

at 1307 hours.

I concluded my interview with

### SAN DIEGO POLICE DEPARTMENT INVESTIGATOR'S REPORT

**DATE** (occurrence):

June 1, 2013 (Saturday)

TIME (occurrence):

0922 Hours

LOCATION:

100 Sea World Dr.

**SUBJECT:** 

Inc #13060000530

OIS/Special Investigation – SDPD Case #13-021594

Officer BUTERA, Richard ID #5876, P.O. II.

**245(a)(2) PC, ADW (Gun) – SDPD Case #13-021595** Victim: Officer BUTERA, Richard ID #5876, P.O. II.

Suspect: CARGNONI, Giacomo James, W/M (21), DOB: 10-09-91

#### SUBJECT INTERVIEWED:



#### WITNESS STATEMENT:

On June 1, 2013, at 0945 hours, I received a phone call from Homicide Detective Sergeant Manny Del Toro (4754) asking me to respond to the area of Sunset Cliffs Blvd and Sea World Dr regarding an officer involved shooting (OIS) investigation. I arrived at the location at 1035 hrs.

At approximately 1100 hours, after the entire Homicide Team V arrived, Acting Sergeant Tagaban (5794) briefed us on the OIS incident that occurred at 100 Sea World Drive. At the conclusion of the briefing, Sgt. Del Toro directed me to interview who was standing near his parked vehicle at 100 Sea World Dr.

At approximately 1122 hours, I interviewed the state of the interview was digitally recorded in its entirety and lasted approximately thirty-eight minutes. In essence, stated the following in response to my questions.

I was driving to from my home and was on Sunset Cliffs Blvd heading northbound into Sea World Drive when I heard two "whoop whoops" (horn) of a police vehicle behind me. I saw a police vehicle had its lights on (emergency overhead) and was passing me on my right side as I was positioned in the #2 lane of the street. The police vehicle stopped in front of me on the right side to prevent vehicle traffic to continue north bound. Out of reflex, I took out my iPhone and began taping several police vehicles lined up behind each other that were stopped on the right shoulder of the roadway. Police officers had their guns out and were huddled behind the front passenger door of the first police car.

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Investigator's Report Witness Case #13-021594 and 13-021595 Page 2

I could see a man about 6' tall, white, no shirt, and brown hair standing next to the right side of a car that was stopped in front of the first police vehicle. The officers were pointing their guns at this shirtless male as he was bouncing around the right side of his vehicle. It was obvious this male was not complying and I could hear the officers shouting out to this person. I can only assume they were barking orders for this person to stop moving. I was sitting inside my vehicle the entire time while filming what was happening. I was probably 40-50 yards away from everyone, but I was still able to see and hear everything well.

As the male was moving around to the right of his vehicle, I suddenly saw him duck down in front of the police officers huddled behind the front passenger's door. The suspect suddenly stood-up, quickly extended both of his arms toward the officers at chest level, and had his hands together as if he was holding something. It looked to me as if the male was gesturing that he was aiming a gun at the officers. I was not able to see if the male actually had a gun, but it appeared as if he was pointing toward the police like he had one. His body was positioned similar to a person aiming a handgun.

The male was in a standing position gesturing as if he had a gun when suddenly I heard a loud "pop" sound coming from the left side of me. I recognized the sound as being a gunshot. The male immediately fell to the right side and tumbled down into the dirt embankment approximately 15' near a large rock. The male stood back up and began walking back toward the officers who were all still huddled behind their front passenger door. The male again extended his arms outward as if he was aiming a gun at the officers. He then slowly lowered them when another loud "pop" sound came from the left side of me. The male fell down immediately and never came back up again. I could not see any other officers other than the ones on the right side of the front police vehicle, so I was not sure where the shots came from.

gave me permission to take possession of his iPhone to forensically download the video for evidence. I had the video downloaded and it is included in the investigative binder. had no additional information to offer and this concluded my interview at 1200 hours.

Reporting Detective	Gary Gonzales		I.D.	5328	Homicide Team:	V
Approved by:		4754	Date of this report:	06-03-13	Time:	
	EXO/11	1/13				

### SAN DIEGO POLICE DEPARTMENT INVESTIGATOR'S REPORT

**DATE** (occurrence):

June 1, 2013 (Saturday)

TIME (occurrence):

0922 Hours

LOCATION:

100 Sea World Dr.

**SUBJECT:** 

Inc #13060000530

OIS/Special Investigation – SDPD Case #13-021594

Officer BUTERA, Richard ID #5876, P.O. II.

**245(a)(2) PC, ADW (Gun) – SDPD Case #13-021595** Victim: Officer BUTERA, Richard ID #5876, P.O. II.

Suspect: CARGNONI, Giacomo James, W/M (21), DOB: 10-09-91

#### SUBJECT INTERVIEWED:



### **WITNESS STATEMENT:**

On June 1, 2013, at 0945 hours, Sergeant Manny DEL TORO along with Detectives Chris LEAHY, Gary GONZALES, Jana BEARD and Angelica NAVARRO responded to 100 Sea World drive regarding an officer involved shooting.

On June 3, 2013, at 0800 hours, Sergeant Manny DEL TORO asked me to interview several witnesses who had not been interviewed on the day of the incident. The witnesses were

On June 3, 2013, at 1350 hours, I interviewed the purpose for my interview. The interview was digitally recorded in its entirety and lasted approximately thirty minutes. In essence, stated the following in response to my questions.

On June 1, 2013 at about 9:15 in the morning, I was driving south on Sea World Drive. I saw a police officer driving really fast behind me. I thought I was going to get pulled over. The officer actually passed me and continued driving. I was following behind him. The officer eventually came to a stop. He had his car parked diagonal, blocking traffic. I thought there was possibly something in the road so I was watching the officer.

I saw the officer get out of his car quickly with something in his hand. I noticed on the opposite side (Northbound lane Sea World Drive) a lot of police cars and I thought there was possibly a car accident. I noticed a silver car along with the police cars. I thought I heard the words, 'Get on the ground! Get down!' I rolled up my window for a second because I was scared of what was going on.

Investigator's Report
Witness:
Case #13-021594 and #13-021595
Page 2

I saw the man or kid (suspect) who got shot on the passenger side of the grey/silver car. He was a little distance away when I saw him. He was not right up to the car but a little distance away. I realized it was a standoff. I believe I heard three shots. I heard the first shot. I thought I saw the kid (suspect) with his arm up. I assumed he had a gun because they (police) had their guns drawn and they were shooting. The police officer who had parked in front of me pulled out his rifle or shotgun. He (suspect) was holding something in his hand like this.

demonstrated by holding her left hand above her head and pointing simulating a gun). It was hard to take in. I was trying to digest what I was seeing and at the same time I didn't want to get shot.

I thought he was holding something. I assumed he had a gun because all the officers were in that defensive guard. I eventually saw the officers with their guns drawn and I was like, 'Oh shit!' My order of remembering stuff is jumbled in my head.

I heard another 'pop' and thought he (suspect) shot the police. Then I realized he (suspect) got shot and went down to the ground. I don't know if they (police) said anything to him but he got back up. I think he was going towards his car. That is when they (police) shot him again. He went to the ground and I thought, 'Oh my God! He is dead'. I saw one of his arms twitching. At one point the officers came around him (suspect) and it seemed like they (police) were standing there for a minute or two. At one point I saw someone checking his pulse and a few minutes after that someone came and did CPR. That is what I remember.

At that point I called my first client to let her know what had just happened and that I might be late. I wasn't sure if I was going to get stuck on the bridge. I did take a photo and I do have it on my phone. The photo just shows the officers around him (suspect). I might have the time if I haven't cleared it from my history. (At this point checked her phone for the time she called her client. She cleared the call and did not have the time).

At this point I went over statement again to be clear about the sequence of events since she was a little jumbled in her accounts of what took place. She stated the following:

I was driving southbound on 100 Sea World Drive. There was a police officer behind me. I moved over and the officer passed me. I was following the officer from a distance. The officer stopped right before you get to the bridge. (It should be noted pulled up the photo on her phone while describing the events that occurred prior to the shooting. See attachment for details). So this is me from a distance inside my car. This is where the officer was stopped. I'm the first person behind the officer. There was a white truck behind me. The police officer in front of me was the original officer who was behind me. The officer stopped then I stopped. Everything happened on the opposite side (northbound lane of 100 Sea World Drive) of the freeway.

I was looking back and forth and he (suspect) wasn't super close. I read the article.

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At this point I told I wanted to know what she witnessed or heard, not what she read in an article or what she was told by other people. The continued with the following.

I saw at least three, four, maybe five police cars on the opposite side of the road behind the gray/silver car. I don't know if I saw him (suspect) out of the car first or the police with their guns drawn. The officers were protecting themselves behind their cars. I believe there was a cop car closer to his (suspect) car. I don't remember seeing police officers approaching him (suspect). I did see three or four officers outside of there vehicles with their guns drawn. I know the officer in front of me had a rifle or a shotgun. He was moving along the center divide, towards the grey/silver car.

The guy (suspect) was in the grassy area on the passenger side of the vehicle. This photo was taken after he (suspect) was shot. I want to say I didn't see him at first. Maybe he was possibly out of my view. When I saw him (suspect) he was moving away from the car towards the trees. He was moving away from the officers.

I did look down because I was kind of afraid. I actually ducked down in my car. I knew bullets were going to fly. I don't know if that is when I heard the shot.

I heard one shot and I think I looked. My brain doesn't always process it quickly. I thought I heard another shot. I want to say his arm was up like this raised her left arm above her head pointing her fingers,) when I heard the first shot. He (suspect) had something in his left hand. I don't know what it was. Within 5, 10, 15 seconds I heard a second shot. It didn't seem that long. I thought he (suspect) was shooting back at the cops.

I don't know if they (police) were yelling at him (suspect) again. I can't think clearly. I heard commands and obviously he wasn't coherent or complying. I thought he (suspect) was on drugs. Not long after that he got up. He was heading towards the car and got shot again. It was not long after the second shot that I hear a third shot. That's if there was even a third shot at all. I'm not sure. He (suspect) fell to the ground and didn't get up.

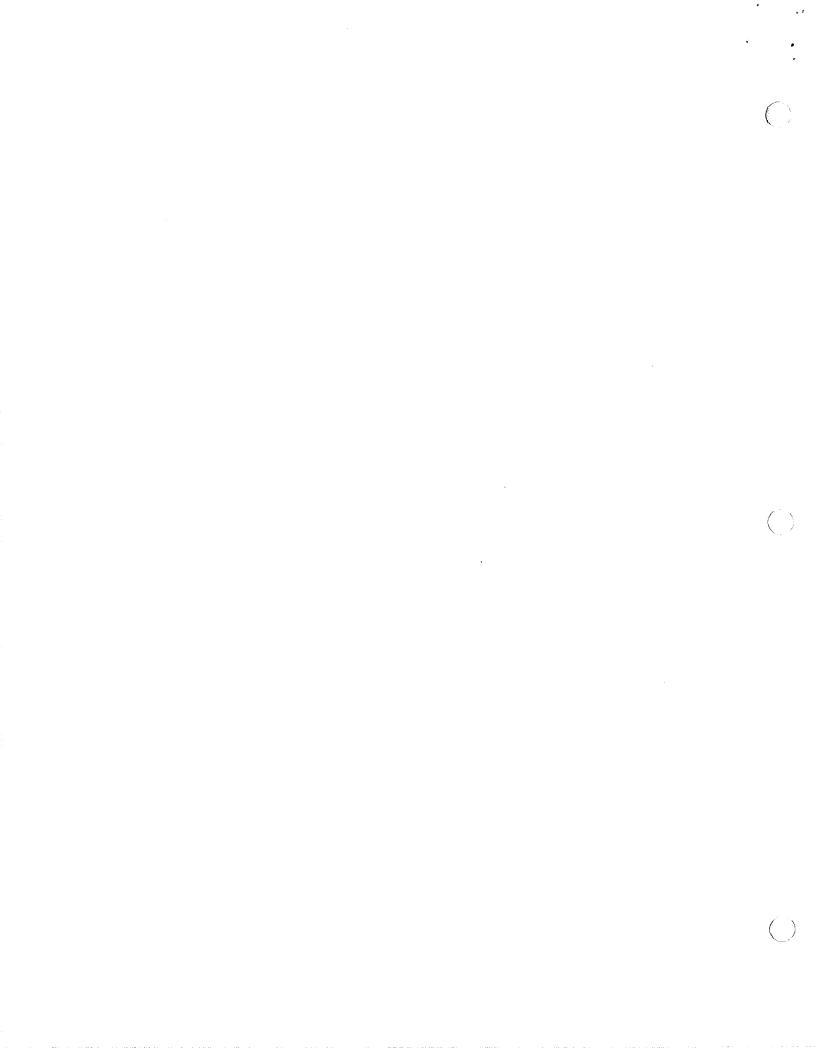
I think it was about ten seconds before officers approached. There were at least four or five officers around him. When he first got shot I could see him (suspect) on the ground and his arm was twitching. My view was blocked when the officers were around him. It seemed like a minute or two before the officers checked his pulse. I don't know. Maybe they (police) thought it was fatal. A few minutes later another officer came and started doing CPR. About that time I could hear the ambulance coming from a distance.

No, I didn't see the shooting or which officer shot. I heard the shots. I thought the officer who was carrying the shotgun was going over the center barrier. I don't remember if he got out and went back to his car. I just don't know.

All I remember hearing was, 'Get down!' At one point I rolled up my window because I was nervous. I rolled it back down. This was before the gunshots and when the officers had their guns out. I'm sorry I'm a bad witness.



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The distance between me and the gray/silver car was about from here to the building. (The distance from my police car to the building was approximately 150 feet and the distance to the mission sign was about 200 feet).
It was close enough for me to see the male (suspect) was wearing jeans and had no shirt. I think his hair was short and brown. I thought he was a white male.
I've already looked on line and I know he was 5'8' and 160 pounds. I know he has a prior record. I searched his name on the Internet. I talked to another witness, who actually knows him (suspect). We spoke on the phone trying to make sense of all of it. saw the stuff prior to the incident. He saw the kid running out of the house.
I was curious who the kid was. It was really sad what happened. I got his (suspect) first name because posted it on 'Facebook'. I never got his last name. It was online and in one of the news articles. I did a search last night and found out he'd been arrested in August or September of 2012 and something happened when he was eighteen. So I knew his height and weight from the news article. I've never seen a picture of him.
The only other person I talked too was the other witness who was also interviewed. He was the one who video recorded it. I think his name was We emailed on 'Facebook'. (See attachment for details of conversation). It was who I spoke to. (It should be noted looked on her "Facebook" account to get the name and conversation she had with
I have to know. What was he holding in his hand? Will it be released eventually? I explained to it was an ongoing investigation and I could not release that information to her.
had no additional information to offer and I concluded my interview at 1425 hours.
After my interview with she told me she talked to over the phone. I turned on my recording device and asked to tell me about their conversation. continued with the following.
Basically told me he had seen the kid (suspect) who got shot on Friday night. gave him money for food because the kid was always hungry. So helped him out. I guess at some point the kid had gone to a 'Rave' party and had possibly taken some uppers (pills) and downers (pills).
He (suspect) had been seeing some girl who lived in 'OB' (Ocean Beach) and I think she was going to be kicked out of the house. I think they tried to stay at the house together and the other guy who lived at the house didn't like it. So she was supposed to leave and he (suspect) showed up on Saturday morning at seven to pick her up. She was not there.

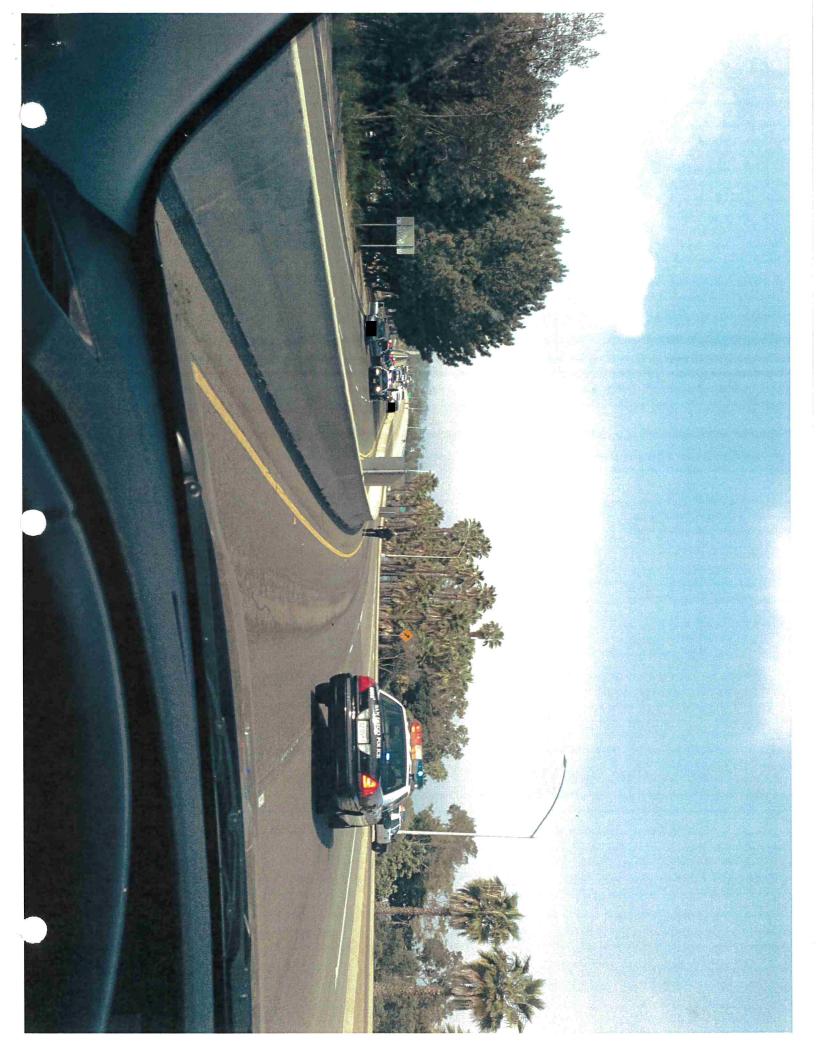


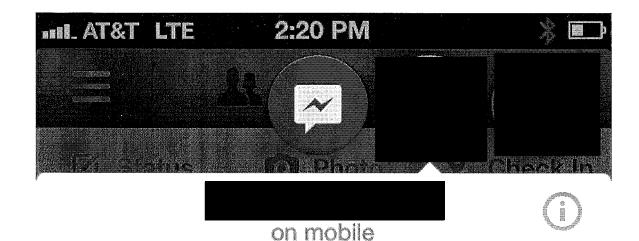
Investigator's Report Witness: Case #13-021594 and #13-021595 Page 5
At one point he (suspect) went into the house and slept on the ground. According to some other guy (unknown name) started beating up the kid (suspect). The kid jumped up and ran outside. I think saw him running to the car and get something out of the car. He (suspect) got a gun out of his trunk and held it to his head and said something about killing himself. He then goes to drive away and his car went up on the curb but he didn't hit anyone. He avoided the guy who was beating him up and drove off. This is what led up to where I saw him (suspect of grey/silver car).
The only other conversation was with on 'Facebook' and I sent you the emails. I've talked to my family and friends but they're not involved. I just basically told them what I saw. The first person I told was my client
This concluded my interview with

Reporting Detective D. WARRICK

Approved by:

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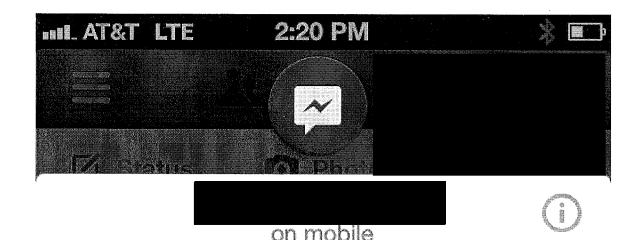
# Out, ATLIN

Hi

I witnessed the shooting too. I was on the opposite side. First car behind the police car. It was so disturbing. I left as soon as traffic started passing on the opposite side only because I had clients scheduled in my office and didn't want to be late. I did call in and the deactivate who called me back said they have tons of witnesses. I saw just about everything and assumed the man was holding a gun especially since weapons were drawn on him. It's so sad. I wish he would have just done what he was asked however according to the officer I spoke with the man had been popping pills and was







the officer I spoke with the man had been popping pills and was depressed. Anyways I feel your pain. Also looks like your friends with Small world!

Thanks for the message! Yeah I managed to film the whole thing on my phone and it appears that it's the primary evidence in the shooting. I'm glad I could help but it was very frightening. Never seen anything that violent or scary before.

Me neither! Never have I seen someone get killed. Honestly I knew he was dead when he was on the ground. It took them a few minutes to give CPR.. Maybe

because thou already length be







scary perore.

Me neither! Never have I seen someone get killed. Honestly I knew he was dead when he was on the ground. It took them a few minutes to give CPR. Maybe because they already knew he was not going to make it.

Yeah I thought that was pretty crazy. It was 5-10 minutes before they started CPR

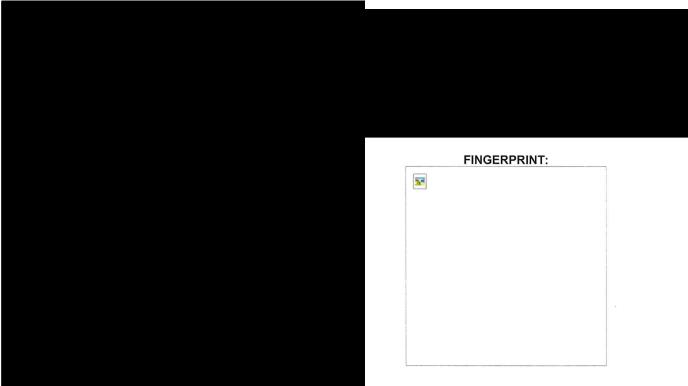
Ok so maybe that was just to save face... To look like they were trying to revive him. Idk anyways, nice chatting with u. If you ever need to talk about it I'm here.

✓ Seen Sat, 8:56 PM









This photograph is a true copy of the photograph that is contained on the Department of Motor Vehicles photo database and delivered over the Department of Justice Cal-Photo communications network.

Date:	/s/	

### SAN DIEGO POLICE DEPARTMENT INVESTIGATOR'S REPORT

DATE (occurrence):

June 1, 2013 (Saturday)

TIME (occurrence):

0922 Hours

LOCATION:

100 Sea World Dr.

**SUBJECT:** 

Inc #13060000530

OIS/Special Investigation - SDPD Case #13-021594

Officer BUTERA, Richard ID #5876, P.O. II.

**245(a)(2) PC, ADW (Gun) – SDPD Case #13-021595** Victim: Officer BUTERA, Richard ID #5876, P.O. II.

Suspect: CARGNONI, Giacomo James, W/M (21), DOB: 10-09-91

SUBJECT INTERVIEWED:

TAGABAN, Esmeralda

SDPD Officer, ID# 5794 Western Division, A/Sergeant

1<sup>st</sup> Watch 0600-1600

#### WITNESS STATEMENT:

On June 1, 2013, at 0945 hours, I received a phone call from Homicide Detective Sergeant Manny DEL TORO (4754) asking me to respond to the area of Sunset Cliffs Blvd and Sea World Dr regarding an officer involved shooting (OIS) investigation. I arrived at the location at 1035 hrs.

At approximately 1100 hours, after the entire Homicide Team V arrived, Acting Sergeant TAGABAN (5794) briefed us on the OIS incident that occurred at 100 Sea World Drive. At the conclusion of the briefing, Sgt. DEL TORO directed me to interview A/Sgt. TAGABAN who was at Western Division located at 5215 Gains St.

At approximately 1429 hours, I interviewed A/Sgt. TAGABAN. The interview was digitally recorded in its entirety and lasted approximately seventeen minutes. My documentation is not intended to be a word for word account of our conversation, but it is an accurate summary of what A/Sgt. TAGABAN told me in response to my questions. The conversation was audio recorded and is stored on a disc. The disc will be filed with the evidence associated with this case. In essence, A/Sgt. TAGABAN stated the following in response to my questions.

I responded to this morning regarding a man with a gun occurring now. I arrived at the location to assist with the call when I heard Officer CARPENTER (5429) put out on the radio he was behind a possible vehicle with the suspect driving north bound Sunset Cliffs passing Dusty Rhodes Park. I advised dispatch I would be responding to assist Officer CARPENTER on his stop from While enroot to the location, I heard over the radio officers stopped the vehicle at north bound 100 Sea World Dr and were conducting a Hot Stop. I arrived at the location within a few minutes and saw officers at Officer CARPENTER's vehicle giving commands. I parked my vehicle behind the last vehicle in line and took a position of cover behind my vehicle during the entire Hot Stop.

Investigator's Report

Witness: TAGABAN, Esmeralda

Case #13-021594

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I could see the suspect, Giacomo CARGNONI was not following orders as Officer CARPENTER was yelling out the commands. CARGNONI kept going in and out of his vehicle as if he did not care. At the same time I saw CARGNONI moving around his vehicle, I saw Officer BUTERA (5876) park his police vehicle in the south bound lanes of 100 Sea World Dr to stop traffic from going into the line of fire. Officer BUTERA exited his vehicle and walked over to take a position of cover behind a center medium wall across from where CARGNONI was standing.

I saw CARGNONI again run around his vehicle to the front passenger door and opened it. Officer CARPENTER was yelling at CARGNONI to stop, but he just kept ignoring the orders and doing what he wanted to do. I felt the actions CARGNONI was displaying were combative and dangerous since earlier reports stated he had a gun at

I saw CARGNONI lean inside the front passenger door without actually going inside and rummaged through the seat and flooring. CARGNONI then ran to the back of his vehicle, opened the trunk, and began rummage through the bottom for something. CARGNONI stopped and then went back to the front passenger door to lean back inside. This time, CARGNONI popped out with something in his hands and pointed it at officers as if he had a handgun. I immediately heard a gunshot from the direction of Officer BUTERA, who was still behind the center medium. I saw CARGNONI fall down the embankment, away from his vehicle, and onto his knees. I could tell he was hit because of the blood on his shirt. I saw CARGNONI stand back up and walked back toward the officers when again I heard another gunshot coming from Officer BUTERA'S side. I did not see Officer BUTERA shoot either time, but I knew the gunshots came from his direction. CARGNONI immediately fell to the ground and laid on his back until officers approached him to render first aid.

I feel the officers did a good job working with CARGNONI. They tried to make him follow orders, but he kept moving around and going in and out of the vehicle. This was dangerous since I felt he was going for a gun each time.

A/Sgt. TAGABAN had no additional information to offer and I concluded my interview at 1446 hours.

Reporting Detective	Gary Gonzales		I.D.	5328	Homicide Team:	V
Approved by:		475	Date of this report:	08-08-13	Time: _	1700
	X.	08/15/13				

0FFICER GUDOY CASE#:13-021570 245 PC.

# MAJUR CRIME BRIEFING SCREPT

(Homicide, Robbery, Sex Crimes, child Abuse Units) I am (rank/ID#/unit) At 6912 hours, San Diego Police Communications received a call from (name/address/phone#): The call was entered in Communications at 0912 hours. The call was dispatched at 1912 hours. The incident number is 13060000530 AIT PC-WITH GON The call originally came in as a (type) on Beat # 614 At (address) Weather conditions at the time of the incident were (clear/rain/foggy,etc) \_\_CLEAR\_ The approximate temperature at the time of the incident was Officer(s) was/were the first officer(s) on the scene, arriving at \_\_\_\_ hours Name ID# Unit# DAN CARDENTER MARTINEZ BRADFORD GREEN BUTTERA The victim has been identified as (name/address/dob/race/sex/height/weight,etc.) SUSPECCARGNON! NAMES GIACOMO/DOB. 10/9/91 Infant death - Primary caregiver during incident was (name/address/phone #/dob/race/sex,etc.) 5/10" | 100 Engine Co # 20 transported the victim to U.CSD Paramedic Unit # 20 Paramedic #1 ADAM SWEXT ID # AS 9502 SIMMON KOCH Paramedic #2 DENNIS CREXMER # SK4752 ID# 10 3076 Officer KRISTOPITER SPENCER ID # 1811 rode/went to the hospital with the victim and did/did not obtain a statement from the victim. The victim's statement, if any, is: The victim was pronounced dead by: Dr. 600AT hours The victim is/was located: (describe scene, position of body, wounds if known and possible weapon) THE SUSPECT ON BACK WI HEAD FACING FRET FACING NB. GROUND. GUNSHOTS Initial information/interviews have revealed the following scenario/scene conditions: SUSPRIT SHOWED UP AT ITS FRIENDS LESIDENCE ISLEA LOOKE, UP & CONFRONTED STEATUNG ITIS CREWIT CARD. A PHYSICAL MIERCATION OCCURREN ENSUED BETWEEN SUSPRI PRODUCEL A BOX CUTTER FIGHT LESIDENCE (Over)

MICHAEL OFF. KELHNOTON # 6324 (15)1
SCT. NICK BOKELLY 4584 -62151 KIS. ESMERTION THEABOUN A 5774. - 61251

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1.	Scene containment, protection of evidence, time perimeter established at hours.  (LIMIT ACCESS INTO AND OUT OF THE SCENE. LEAVE SCENE INTACT UNTIL ARRIVAL OF INVESTIGATORS; do not drain water from tubs, sinks, etc. Protect locations where latent prints may possibly be found, etc.).
2.	Insure scene perimeter is large enough, taking into account the type of case (consider escape route of suspect).
3.	Neighborhood witness check completed.
4.	Identify, isolate and interview all witnesses.
5.	Document the witness search.
6.	Attempt to identify the suspect.
7.	Broadcast all units if necessary.
8,	Conduct a follow-up investigation.
9.	Record all license plates in the area of the scene.
Ec	ollow-up Investigation: (Describe what steps were taken to identify and arrest suspects.)

How may we be of further assistance?

## SAN DIEGO POLICE DEPARTMENT HOMICIDE SCENE ROSTER/SUMMARY REPORT

cation:	100 SEA WORLD	DR.	Date: O(	g/2013	Time: 1937	Reat: 123
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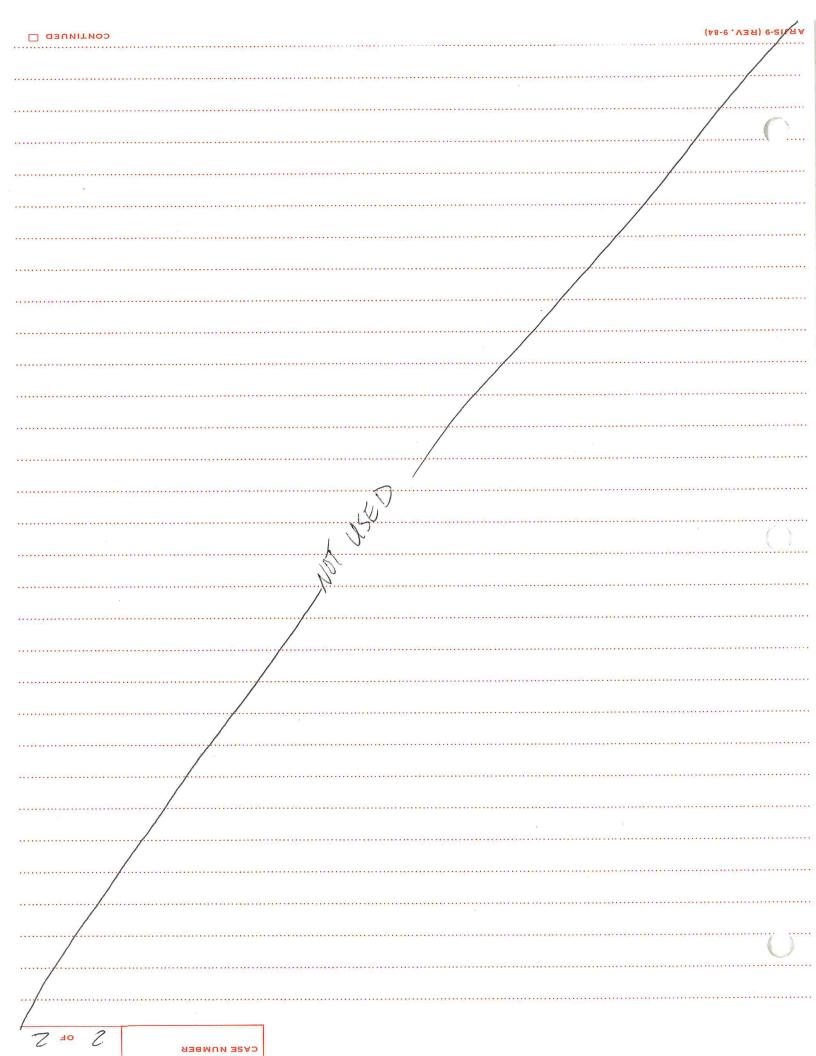
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ARJIS-9 (REV. 9-84)

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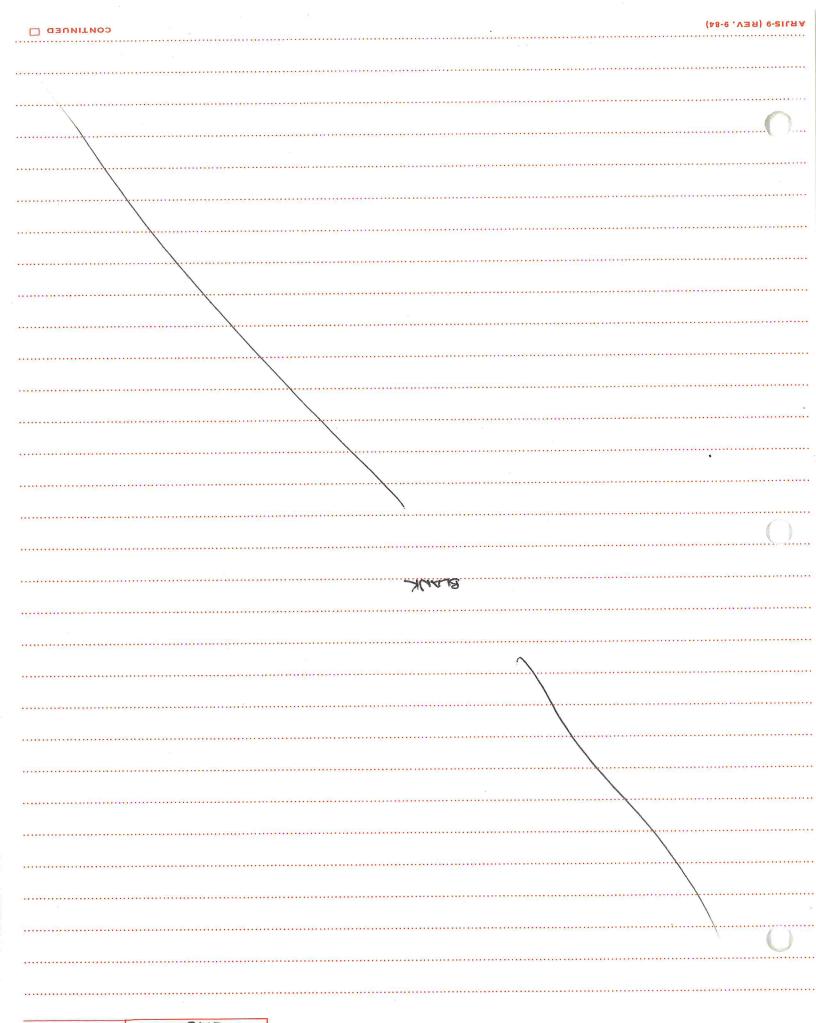
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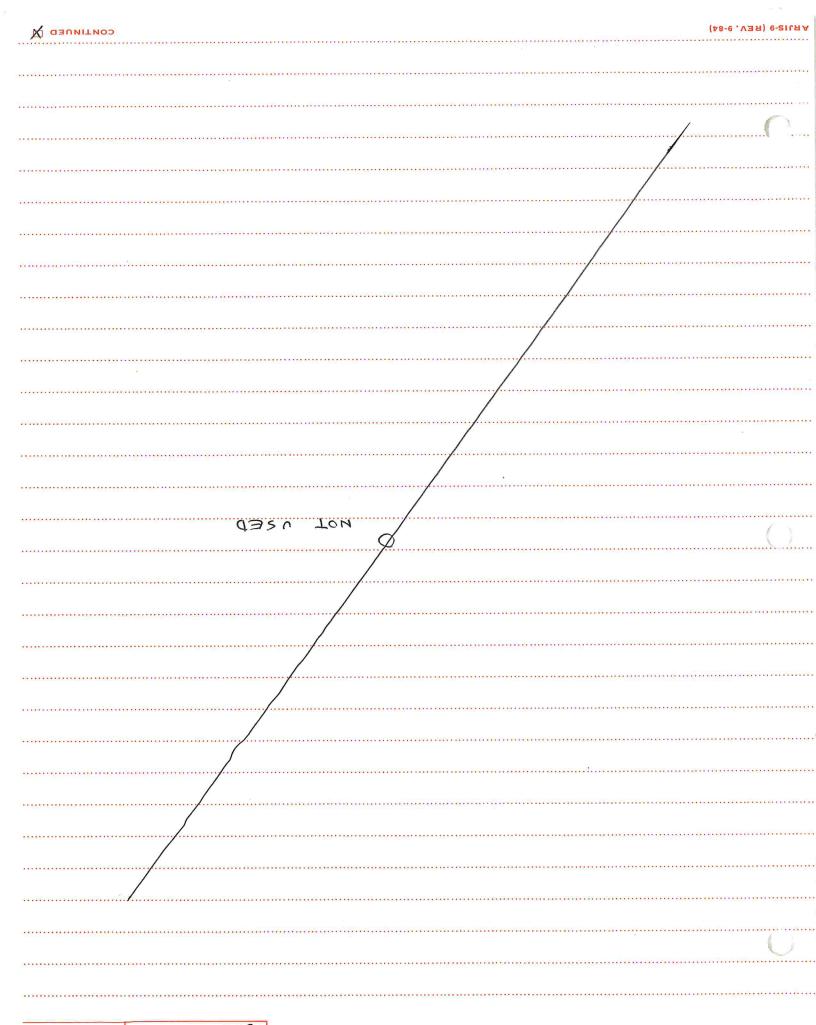
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Officer's Report: Incident #13060000530

Ricky Radasa #6522

On 6-1-2013 at approximately 09:25 hours, I responded to the 1000 block of Sea World Drive to assist officers with a violent subject, later identified as, Cargnoni Giacomo. Radio traffic on the call revealed a traffic stop was conducted on Giacomo, following an assault with a deadly weapon call in Ocean Beach. Officers on the call advised responding units that Giacomo was non-compliant and was seen reaching for a gun inside the vehicle. Officers engaged Giacomo and shots were ultimately fired.

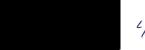
Upon arrival, I drove in southbound (from the North) on Sea World Drive. I parked my SDPD patrol vehicle directly in front (to the south) of Officer Butera's police vehicle in the southbound lanes of 1000 Sea World Drive. I observed officers and police cars to the south and immediately ran toward them. As I approached, Officer Butera was walking back to his vehicle with a black shotgun. I quickly exchanged words with Officer Butera who told me he engaged Giacomo with his shotgun. I asked Officer Butera if he was ok, and he said, "Yeah, I'm good."

I ran up to the scene and saw Giacomo on the ground, handcuffed to the rear. Giacomo was face down in the prone position, with his head facing south. Next to Giacomo was a medium sized black and silver folding knife, which appeared to be approximately 5 feet to the Northwest of Giacomo's feet. Giacomo was breathing, his eyes were open and he was bleeding slightly from the chest in multiple areas. The bleeding seemed controlled.

Giacomo took a deep breath, which sounded like a gasping breath and stopped breathing. I immediately advised dispatch I was to begin performing CPR. Giacomo had a feathered pulse but was not responsive. I immediately began chest compressions. Upon onset of chest compressions, blood from Giacomo's chest exited several of the holes in his chest. At this time, given the details of the incident, I attributed the holes to gunshots. I applied a white t-shirt (found on the ground and believed to be from Giacomo's open trunk) to Giacomo's chest to control the blood from exiting the holes. I continued chest compressions for approximately 10 minutes until San Diego Fire Department arrived and took over.

I remained at the scene for several hours and assisted with traffic and crowd control.

Approved:



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## SAN DIEGO REGIONAL

ADDITIONAL VICTIMS AND/OR WITNESSES
AND/OR OTHER PEOPLE ASSOCIATED WITH THE CRIME

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ADDITIONAL SUSPECT(S) REPORT SAN DIEGO REGIONAL

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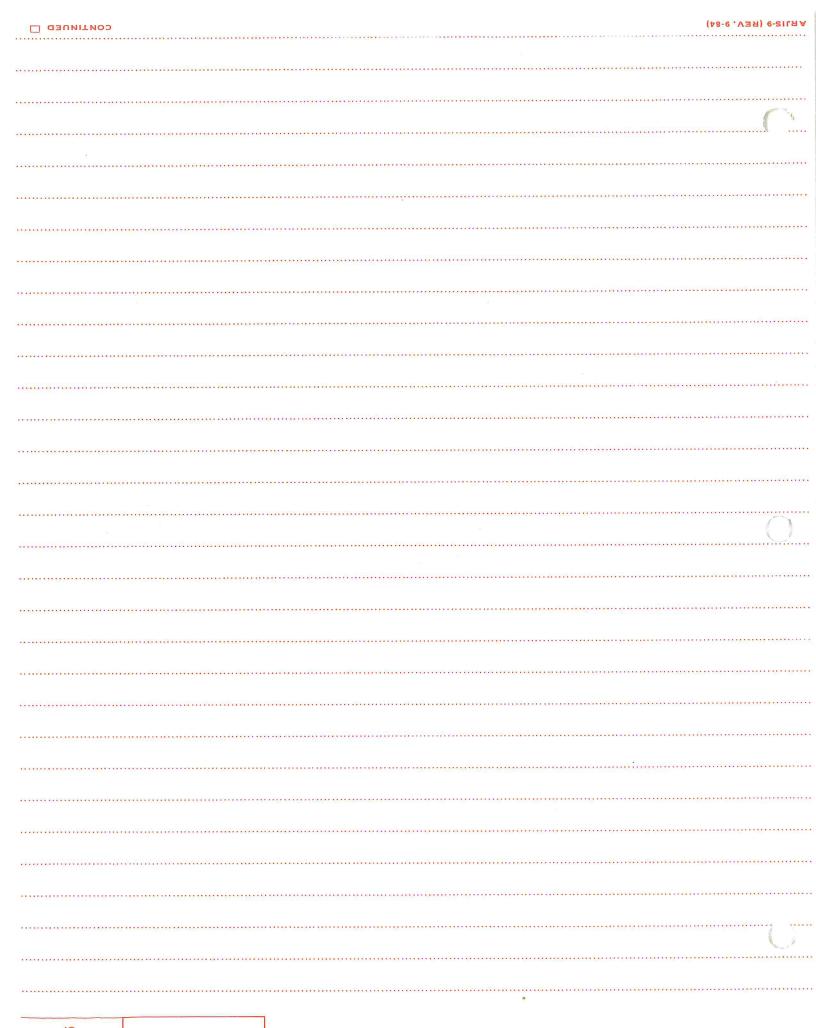
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SEVERAL MORE POLICE VEHICLES			1.				
AND YELLING AT A WHITE MALE	WHO HAT	JUST.	GUT OU	T 0/-	A VEH	1CLE	
AHEAD OF THEM. THE MALE DI	DNT LOOK	LIKE	HE WA	5	comply	NE	
AND WAS EDUNGING AROUMS TH	E CAR, GO	ing E	BACK AN	OF	ODTH F	20m	
THE DRIVERS SIDE TO THE PAS	SANCERS S	DE.	THE MA	LE	BENTI	Jann .	
INTO THE PASSENGED SIDE AN	VO THEN	CAME	OUT	STUC	ا عن حر	AND	
POINTED HIS HANDS WITH HIS							
GUN TOWARDS THE OFFICER			DULDNT				
STATED "IF IT WASN'T A GUN.							
GUN. FOR SURE. NO QUESTION."		7					
Sitner : According to the second	) - · · · · ) · ·		. a.e. an		>° - /-		
SHORTLY AFTER THE MALE							
OFFICERS, AN OFFICER SHOT THE MALE DNETIME, THE MALE							
STACTGERED TO THE CROUND A	VD THEN F	DLLE)	· HE TH	3V. (	GOT BA	CK U	
REPORTING OFFICER I.D. # DIVISION APPROVED BY	<b>Y</b>		MONTH	DAY	YEAR	TIME	
Spancar 10811 WI Borne	11, 4584	DATE OF REPORT:	6	i	13	1330	
AWJI5-9 (REV. 9-84)					CONTIN	UED 🔀	

T SECTION AND DESCRIPTION (ONE INCIDENT ONLY)  LOCATION OF INCIDENT (OR ADDRESS)  PERSON(S) INVOLVED: VICTIM  CARGNONI, GIACOMO  CARGNONI, GIACOMO  CARGNONI, GIACOMO  CARGNONI, GIACOMO  CARGNONI, GIACOMO  CARGNONI, GIACOMO	595 TIME 09/2 DISTRICT S)
LOCATION OF INCIDENT (OR ADDRESS)  OB OI 13 SAT  BEAT  FERSON(S) INVOLVED: VICTIM  SUSPECT (IF NAMED)  CARGNONI, GIACOMO  PROPERTY TAG NO. (	O9/2 DISTRICT
PERSON(S) INVOLVED: VICTIM  SAN DIEGO  SUSPECT (IF NAMED)  CARGNONI, GIACOMO  PROPERTY TAG NO. (	S)
CARGNONI, GIACOMO	s)
OTIVES SITIATION.	
ON 06-01-13 AT 0928 HOURS, I RESPONDED TO AN OFFICER	
INVOLVED SHOOTING THAT INITIATED AT	
I ARRIVED ON SCENE AT THE CORNER OF SUNSET CLIFFS	
BLUD. AND NIMITZ BOULEVARD TO DIRECT TRAFFIC. AT 1109 HOURS I WAS RELIEVED BY R.S.V.P.S.	
AT 1242 HOURS, I RESPONDED BACK TO THE SCIENCE AND	
HOAIN DIRECTED TRAFFIC. AT 1410 HOURS, I CLEARED THE SCENE	
*) ***********************************	
A TAFOLA  ARJIS-9 (REV. 9-84)  I.D. # DIVISION APPROVED BY:  MONTH DAY YEAR  DATE OF REPORT:  CONTINU	3co





## San Diego Police Department E911 Phone Log Report

240.00

		<u>Time</u>	<b>Postion</b>	<b>Dispatcher</b>
<b>ALI Date/Time</b> 6/1/2013 9:12:00	Received:	9:12:15	CT03	mmiran
Phone (ANI)	Answered:	9:12:14	CT03	mmiran
	Duration:	0:09:54		

ALI:

## Call Event Details

RCVD 3103	09:12:14	
ANSW 3103	09:12:15	
ESRN		
DIAL 3103	76883	
CHLD 3103	09:12:56	
CONF 3103	HOT CALL	09:12:57
DIAL 3103	CW_3451	
DIAL 3103	C	
ESRN		
HUNG 3103	09:22:08	
DISC 3103	09:22:08	
RLSD	09:22:08	
DURN 9 m	in 54 sec	

```
06/03/13 07:18:23 PRINT REQUESTED BY TERMINAL TAPR
 Incident History for: #P13060000530 Xref: #P13060000682
 Case Numbers: $PR130021595
 Received
              06/01/13 09:12:16
                                  BY CT03
                                             8309
 intered
              06/01/13 09:12:54
                                 BY CT03
                                             8309
              06/01/13 09:12:59
                                 BY RC06
 Dispatched
                                             8613
 Enroute
              06/01/13 09:13:07
 Onscene
              06/01/13 09:14:30
 Closed
              06/02/13
                        15:31:22
 Initial Type: 417
 Final
         Type: 417
                        (THREATENING W/WEAPON) Pri: 1 Dispo: R
 Police BLK: 0730100055330 FMap: 2019H2 TMap: 1267J7 Group: P6
 Beat: 614 Src: 9 Inc Cmdr: 600C
 Loc:
                             btwn
Loc Info:
Name:
                               Addr: S
                                                              Phone:
/0912
      (8309 ) NBRHD
                              Ocean Beach
/0912
               ENTRY
                              DETAILS TO FOLLOW
/0912
      (8613 ) DISP
                       614J1
                               #6301 GUDOY, STEPHEN A
/0913
      (8309 ) SUPP
                              TXT: ** GUN**
/0913
      (6301 )*ENROUT
                       614J1
/0913
      (8613 ) ASST
                       615B1
                                       ESTRADA, AMANDA
                               #6962
/0913
                                       TAGABAN, ESMERALDA
               ASST
                       612S1
                               #5794
/0913
               ASST
                       614B1
                               #6820
                                       GREEN, BRADFORD
/0913
               ASST
                       618J1
                                       CARPENTER, JOHN D
                                #5429
 1913
      (5429 )*ENROUT
                       618J1
,0913
      (6962 )*ENROUT
                       615B1
/0913
      (8613 ) MISC
                               , HANDGUN MALE LEFT NB GRY VW 4DR..
/0914
      (6820 )*ENROUT
                       614B1
/0914
      (5794 )*ONSCNE
                       612S1
      (8613 ) MISC
/0914
                               , WM NO SHIRT SWTPANTS HAS BEEN STAYING IN AREA
/0914
               ONSCNE
                       612S1
/0914
               ASST
                       615J1
                                #6384
                                      KELLINGTON, MICHAEL R
/0914
     (6384 )*ENROUT
                       615J1
/0915
      (8613 ) MISC
                               RP IN
                                       ..WITH VICT..MALE HAD BEEN STAYING WITH
                                       THE VICT
/0915
                                USUALLY DOING COCAINE AND DRINKING
               MISC
/0915
               ASST
                       661Q
                                #5827
                                      PEREGRINA, EFREN
                               #6193
                                      CAMPBELL, DOUGLAS R
/0916
               MMISC
                               ** MALE IS GIACOMO CARGNONI ABOUT 24 YRS OLD
/0916
               ASST
                       613B1
                                #5668 MARTINEZ, JEFFREY S
/0917
       (8835 ) MMISC
                               ,09:17:01 TO LDET FROM LD01: INCIDENT HISTORY FOR
                               : #P13060000530
/0917
       (8613 ) MISC
                       612S1
                               , WILL CONTACT RP
/0917
       (5668 )*ENROUT
                       613B1
/0918
       (8613 ) MISC
                       618J1
                               ,NB SSC AT DUSTY RHODES PARK
/0918
       (8835 ) SUPP
                              TXT: AIRED COUNTY WIDE ON BLUE1//LD0 JG
<sup>1</sup>0918
       (****) REMINO
                       618J1
                              PLATE/
J918
       (8613 ) ASST
                       2937N1
                               #4161 MC LEOD, MICHAEL D
/0918
                               , INSURANCE INFORMATION ON FILE REG VALID FROM: 11
               MMISC
                       618J1
                              /16/12 TO 11/16/13LIC#:
                                                          YRMD:12 MAKE:VOLK
                              BTM :SD VIN :
                                                             R/O :CARGNONI GIAC
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	*		3 t
			,
		•	
			( )
			Sec.

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CITY:
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OMO JAMES, C.:37 ZIP#:

```
/0919
       (4161 )*ENROUT
                        2937N1
0919
       (8613 ) ASST
                        L5
                                 #4510
                                        MAYER, KEVIN R
/0919
       (6820 )*ONSCNE
                        614B1
/0919
       (5429 ) *ONSCNE
                         618J1
       (8613 ) MISC
                                , SW SIDE YIELDING
/0919
                        618J1
                                ,** HOT STOP IN PROGRESS**
/0920
                MISC
                         614B1
/0920
                MISC
                         614B1
                                ,4 UTS HERE..
/0920
                ASSTOS
                         622S1
                                 #4584
                                        BORRELLI, NICOLAS
                                , GETTING HIM OUT OF VEH...COMPLYING
/0920
                MISC
                         622S1
/0920
                                ,C4 FOR UTS ON HOT STOP
                MISC
                         622S1
/0920
                                , WILL CONTACT RP
                ONSCNE
                        614J1
/0921
                MISC
                        613B1
                                , GOING FOR GUN
                                , BACK IN VEH LOOKS LIKE GOING FOR GUN
/0921
                MISC
                         614B1
                                , NOT COMPLYING -- SHOTS FIRED
/0.922
                MISC
                         622S1
                                , SHOTS FIRED...SUSP DOWN
/0922
                MMISC
                         622S1
/0922
       (8521 )
                                , MEDICS ENRT
                CHANGE
/0922
       (8613 ) ASST
                         624Kl
                                 #5945
                                         GARREN, DAVID
                                 #6890
                                         COFFEE,
                                                ZHANETTE
/0922
                ASST
                         611B1
                                        OTT, STEPHANIE
                                 #6252
/0922
                                , VEH CLEARED
                         612S1
                MISC
                                , LAST UTS BLOCK TRAFFIC SW BRIDGE
/0923
                MMISC
                        6610
/0924
                         614J1
                                , WITH THE RP
                MMISC
/0924
                                , CLEAR LANE SO MEDICS CAN COME IN
                MISC
                         622S1
 1925
                                [JSO SW DR W MISSION BAY EXIT ]
                        612S1
                NEWLOC
J925
                NEWLOC
                        622S1
                                [JSO SW DR W MISSION BAY EXIT ]
/0926
       (4161 ) *ONSCNE
                        2937N1
/0926
       (8613 ) ASST
                        2942N1 [JSO SW DR W MISSION BAY EXIT ]
                                        MARCINIAK, CHARLES D
                                 #5179
                                , AIRED 1022 BOL ON BLUE1//LD01 {\tt JG}
       (8835 ) MMISC
/0926
/0927
                        622S1
       (8613 ) MISC
                                ,*** NO MORE TRAFFIC ONTO BRIDGE HEADING EB
/0927
                                [JSO SW DR W MISSION BAY EXIT ]
                NEWLOC
                        611B1
/0927
                NEWLOC
                        L5
                                [JSO SW DR W MISSION BAY EXIT
/0927
                                [JSO SW DR W MISSION BAY EXIT
                NEWLOC
                        613B1
                                [JSO SW DR W MISSION BAY EXIT ]
/0928
                NEWLOC
                        613B1
/0928
                                        TAFOYA, ANDREW
                        613J1
                ASST
                                 #6101
/0928
                NEWLOC
                        613J1
                                [NIMITZ/8 ON RAMP ]
/0929
                MISC
                        612S1
                                ,WITH WITN HERE....
/0929
                ASSTOS
                        625J1
                                [JSO SW DR W MISSION BAY EXIT ]
                                        RADASA, RICKY
                                 #6522
/0930
                MMISC
                        625J1
                                ,**** /0926 (8613 ) MISC ,STARTING CPR
/0930
                                 #6811 SPENCER, KRISTOPHER
                ASSTOS
                        627J1
/0930
                MISC
                        627J1
                                ,*** MEDIC 20
/0930
                NEWLOC
                        613J1
                                [NIMITZ/8 ON RAMP ]
/0930
                        627J1
                                [NIMITZ/8 ON RAMP ]
                NEWLOC
/0930
       (5827 )*ONSCNE
                        6610
/0931
       (8613 ) MISC
                        2942N1 , ENRT FOR PEER SUPPORT***
/0933
                ASSTOS
                        621B1
                                 #5876
                                        BUTERA, RICHARD
/0934
                                , ENGINE 20
                MISC
                        618J1
 934
       (5179 )*ENROUT
                        2942N1
/0935
       (8613 ) MISC
                        615B1
                                 TO STOP SB TRAFFIC ON SW DR FROM SEA WORLD ENTR
                                ANCE
/0937
                                , WILL DIRECT BIKES ON BIKE PATH EAST
                MISC
                        624K1
/0938
                NEWLOC
                        621B1
                                [JSO SW DR W MISSION BAY]
```

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/0938
               NEWLOC
                        618J1
                                [JSO SW DR W MISSION BAY]
/0938
                NEWLOC
                        615J1
                                [JSO SW DR W MISSION BAY]
/0939
               NEWLOC
                        614B1
                                [JSO SW DR W MISSION BAY]
/0939
                ASSTER
                        600C
                                [JSO SW DR W MISSION BAY EXIT ]
                                 #3522 MILLS, ANDREW
/0940
                CHGLOC
                        615B1
                                [SW DR - SEA WORLD ENTR]
/0941
               NEWLOC
                        624Kl
                                [I-8/SSC]
/0942
      (5179 )*ONSCNE
                        2942N1
/0947
       (8613 ) NEWLOC
                        2937N1 [JSO SW DR W MISSION BAY]
/0949
       (4161 )*CLEAR
                        2937N1
/0952
       (8613 ) MMISC
                                ,932S1 WILL BE ENRT SHORTLY
/0954
                ASST
                        611G1
                                        MALCOMB, JEFFERY W
                                 #7002
                                 #5892
                                        LOPEZ, MARK
/0954
                ASST
                        630L
                                [JSO SW DR W MISSION BAY EXIT ]
                                #4573 GOLDBERG, BRIAN M
/0956
       (7002 )*ENROUT
                        611G1
/0958
       (8613 ) MISC
                        600C
                                , ** WILL BE INCIDENT COMMANDER **
                                ,627J WILL BE RIDING WITH MEDICS TO UCSD
/0958
               MMISC
/0958
                CHGLOC
                                [200 W ARBOR DR]
                        627J1
/0959
               NEWLOC
                        2942N1 [5215 GAINES ST]
/1000
                        600C
                CMDR
/1001
       (7002 ) *ONSCNE
                        611G1
/1002
       (8613 ) ASSTOS
                        627B1
                                #6492 MARGOLIS, JEREMY
                                ,/0935 MISC 627B1 ,TO STOP TRAFFIC EXIT OFF INGRA
/1003
               MMISC
                        627B1
                               HAM TO SB SW DR/0949 (6492 )*ONSCNE 627B1
/1004
               NEWLOC
                                [INGRAHAM TO SB SW DR]
                        627B1
                        2910S1 [5215 GAINES ST]
/1005
                ASST
                                 #5005 PIDGEON, E MICHAEL
 1,007
       (8814 ) ASSTER
                        RNGR27 [WEST MISSION/SEA ]
                                        POLICE OFFICER TEMPLATE
                                #POL
/1007
                                *** MEDIA IS 97***
       (8613 ) MISC
                        615B1
/1009
       (8814 ) ASST
                        932S1
                                [JSO SW DR W MISSION BAY EXIT ]
                                #4569 PINER, JOHN (RICK)
                                , PEER SUPPORT
/1009
       (8613 ) ONSCNE
                        627J1
/1011
       (5005 ) *ENROUT
                        2910S1
                               , FOR PEER SUPPORT --
/1011
       (8613 ) MISC
                        932S1
                                , **** 1144****
/1015
       (8563 ) MISC
                        627J1
                                , ***IN OR#11****
/1016
               MISC
                        627J1
/1019
       (5005 )*ONSCNE
                        2910S1
/1020
                                               *B/D:10-09-1991*NAME:CARGNONI GIAC
       (8563 ) MISC
                        627J1
                                , DL/NO:
                                OMO JAMES*MAIL ADDR AS OF 04-05-13
                                               *OTH/ADDR AS OF 09-09-12:
                                                *AKA: CARGNONI GIACOMO* IDENTIFYING
                                 INFORMATION: SEX: MALE*HAIR: BROWN*EYES: HZL*HT: 5-10
                                *WT:160*LIC/ISS:11-05-12*EXPIRES:10-09-17*CLASS:C
                                NON-COMMERCIAL & M1 MOTORCYCLE*ENDORSEMENTS:NONE
                                *ORIGINAL DL ISSUE DATE:11-10-11*LATES
/1020
               MISC
                        627J1
                                ,T APP: DL TYPE:DUP WITH PRIOR PHOTO*ISS/DATE: 04
                                -05-13*OFFICE: SDC*BATES:LIS*ORGAN AND TISSUE DON
                               OR: YES UPDATED: 04-05-13LICENSE STATUS: VALID*
/1021
               ASSTER
                        1652
                                [JSO SW DR W MISSION BAY EXIT ]
                                #5869 LEAHY, CHRIS
/1023
               ONSCNE
                        1652
023
       (6301 )*ASNCAS
                        614J1
                               $PR130021570
/1025
       (8563 ) CLEAR
                        624K1
/1026
               ASSTOS
                                [JSO SW DR W MISSION BAY EXIT ]
                                        VASQUEZ, WALTER W
                                #4099
/1028
      (8652 ) SUPP
                               : MAM
```

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ADR:
                                                    - CELL
                                PHO:
                                TXT:
                                        MAYO CLLING TO SAY THAT
                                                                     WITNESS THE I
                               NC FRM THE START // SAW THE W HOLE THING // WANTS
                                 TO GIVE INFO INCASE OFCRS NEED TO SPK TO HER
                                // IS NOW AT HOME // RES PHN |
                                24
                                , L5 T4 ON WITNESS INFO
/1030
       (8563 ) MISC
/1033
                ONSCNE
                        615B1
/1034
                                , MEDIA 97 AT INGRAHAM TO SB SEA WORLD
               MISC .
                        627B1
/1034
                                , L5 T4
               MISC
/1035
               MISC
                                , MEDIC 20 LEFT DRUG BOX ON SCENE// MEDIC SUPV TO
                               DD
/1035
       (8218 ) CLEAR
                        RNGR27
/1037
       (8563 ) MISC
                                , MEDIC 20//ADAM SWEAT #AS9502, DENNIS CREAMER #D
                                C3076, SIMMON KOCH #SK4352
                                ADDTL MEDIA TO GO TO END OF WB 8, RIGHT ON SSC
/1039
               MISC
                        L_5
                                AND PARK ON BRIDGE
/1040
                                , MEDIA AT INITIAL SCENE ON SSC
               MISC
                        6610
/1042
               ASSTOS
                        1602L
                                 #4207 DURAN, JORGE
/1042
                                , BRIEFING FOR MEDIA ON BRIDGE AT SSC
               MISC
                        1602L
/1049
               ASSTER
                        RS3941 [JSO SW DR W MISSION BAY EXIT ]
                                #0531 GWINN, JOHN G
                                 #0527
                                        WEDDEL, LARRY
/1051
               ASSTER
                        RS3942 [JSO SW DR W MISSION BAY EXIT ]
                                 #0567
                                        MASHIKIAN, RALPH
                                        GRANT, LYNN
                                 #0635
                                , M/E 97 AT HOSP
/1103
               MISC
                        627J1
 1.108
       (4569 ) * CHGLOC
                        932S1
                               [WESTERN]
 <sub>1</sub>109
               *ONSCNE
                        932S1
/1109
                                [SSC EB AT NIMITZ]
       (8563 ) NEWLOC
                        613J1
                        RS3941 [SSC EB AT NIMITZ ]
/1109
               NEWLOC
/1111
       (6101 ) *CLEAR
                        613J1
/1121
       (8563 ) CLEAR
                        611B1
/1121
               ONSCNE
                        RS3942
/1129
       (4510 )*CLEAR
                        L_5
/1132
       (8563 ) MISC
                        RS3942
                                 WILL MOVE VEH TO 615B LOC AT SEA WORLD ENTRANE
/1134
       (8587 ) CROSS
                                #P13060000682
/1136
       (8563 ) ASSTER
                        3273P
                                [INGRAHAM TO SB SW DR]
                                #8003 STUM, DAVID A
/1139
       (8587 ) ASSTOS
                        HOM5
                                 #4754 DEL TORO JR, MANUEL
/1143
       (7002 )*CLEAR
                        611G1
/1148
       (5005 )*CLEAR
                        2910S1
/1156
       (8563 ) CLEAR
                        3273P
/1157
                CLEAR
/1205
                        2942N1 ,
                                 ***PEER SUPPORT***
               MISC
/1205
                        RS3942 [SW AT SPORTS ARENA OFFRAMP ]
               NEWLOC
/1207
       (6962 )*CLEAR
                        615B1
/1213
       (6492 )*CLEAR
                        627Bl
/1213
       (8563 ) NEWLOC
                        630L
/1214
               ASSTOS
                        627B1
                                 #6492
                                        MARGOLIS, JEREMY
/1242
       (8521 ) ASST
                        613J1
                                        TAFOYA, ANDREW
                                 #6T0T
  256
       (8563 ) ASSTER
                        624V2
                                [200 W ARBOR DR]
                                 #6713
                                        CALVERT, SARAH M
/1258
                                , ENRT TO 627J TO GIVE RIDE BACK TO SCENE
               MISC
                        624V2
/1259
               ONSCNE
                        624V2
/1314
               $PREMPT
                        625J1
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/1321
       (5827 )*CLEAR
                        6610
/1323
       (8563 ) NEWLOC
                        613J1
                                [BRIDGE]
/1324
                ASSTER
                        661Q
                                [BRIDGE]
                                 #5827 PEREGRINA, EFREN
                                 #6193 CAMPBELL, DOUGLAS R
/1324
                CLEAR
                        600C
       (6301 )*CLEAR
/1331
                        614J1
/1331
      (5179 )*CHGLOC
                        2942N1 [HQ]
                                , 4TH FLOOR
/1331
               *ONSCNE
                        2942N1
       (5827 )*ONSCNE
/1340
                        661Q
/1357
               *CLEAR
                        6610
/1400
       (8521 ) $PREMPT
                        624V2
                                , 13:59:13 - TOW REQUEST ACKNOWLEDGEMENT FOR 613J
/1401
                        613J1
               MISC
/1410
       (6101 )*CLEAR
                        613J1
/1427
       (8563 ) CHGLOC
                        615J1
/1429
               ASSTER
                        624Y2
                                [JSO SW DR W MISSION BAY EXIT ]
                                        WEAVER, JAMES
/1430
                        622Y2
                                [JSO SW DR W MISSION BAY EXIT ]
               ASSTER
                                 #6933 LEE, GEENOU
/1442
      (6492 )*CHGLOC
                                [TRAFFIC DIVISION W/VEHICL]
                        627B1
                                $PR130021594
/1445
      (8587 ) ASNCAS
/1448
       (6104 )*ONSCNE
                        624Y2
/1449
      (8587 ) ASNCAS
                                SPR130021595
                                , OK TO OPEN UP SSC NOW
/1454
      (8461 ) MMISC
                        1652
/1458
               PREMPT
                        614B1
       (6104 ) *CLEAR
/1459
                        624Y2
/1500
      (6492 )*ONSCNE
                        627B1
 1.503
      (8461 ) CLEAR
                        RS3941 ,TRAFF OPEN
, 1511
      (6811 )*CLEAR
                        627J1
/1511
       (8461 ) PREMPT
                        618J1
/1512
               PREMPT
                        932S1
/1517
       (6933 )*CLEAR
                        622Y2
/1518
      (8461 ) PREMPT
                        622S1
/1518
                PREMPT
                        612S1
/1519
               PREMPT
                        615J1
/1519
               PREMPT
                        613B1
/1529
                CHGLOC
                                [5215 GAINES ST]
                        627B1
                                , XX
/1535
       (6492 )*CLEAR
                        627B1
/1552
       (8461 ) PREMPT
                        621B1
       (8416 ) CLEAR
/1555
                        RS3942
/1608
       (8587 ) CROSS
                                #P13060000835
/1609
      (5179 )*CLEAR
                        2942N1
/1609
       (8220 ) SUPP
                               MAM
                                ADR
                                PHO
                                TXT: RP'S MEDICATION WAS IN SUSP'S VEH // 1 BOTTL
                                E EACH OF KLONOPIN AND RESTOR IL, ANTI ANXIETY ME
                               DS // ADV'D WERE STOLEN LAST NIGHT INC #00835/487
                                R // REQ C B // CT09
/1609
                                  1650S 10-4 ON LAST AND XREF INC #00835//LD01 MM
       (8587 ) MISC
/1633
                CROSS
                                #P13060001099
<sup>1</sup>1737
       (6068 ) SUPP
                                TXT: RP IS
                                          /SAID SHE WITN OIS EARLIER TODAY AND CA
                               LLING IN CASE PD NEEDS HER WITN STATEMENT/CT04/60
/1744
       (8366 ) SUPP
                               TXT: 1650S 10-4 NO FAX NEEDED//WILL CALL DIRECT//
                                CT 3
```

			<b>,</b>

r

	/1901	(8461	) CLEAR	630L			
	/1901		CLEAR	1602L			
	/1903	(8587	) CLEAR	1652	D/R		
1	1903		CLEAR	HOM5	•		
(	1903		CLOSE	HOM5	D/R		
	*** New	<i>v</i> Date:	06/02/13	* * *			
	/1402	(8342	) REOPEN		, NO MOR	E INFORM	NOITA
	/1402		DISPOS	625J1	[SUB]		
					#6522	RADASA,	RICKY
	/1409		\$PREMPT	625J1			
	/1414		DISPOS	625J1	[SUB]		
	/			,	#6522	RADASA,	RICKY
	/1531	(8961	) CLEAR	625J1			
	/1531		CLOSE	625J1	D/R		

•

06/03/13 07:18:30 PRINT REQUESTED BY TERMINAL TAPR Incident History for: #P13060000682 Xref: #P13060000530 Entered 06/01/13 11:33:47 BY LD02 8587 Dispatched 06/01/13 11:38:43 BY RC06 8563 Inroute 06/01/13 11:38:43 06/01/13 11:38:43 06/01/13 17:28:00 Onscene Closed Initial Type: SIG Final Type: SIG (SIGALERT) Pri: 2 Dispo: K Police BLK: 0680100049860 FMap: 2120E4 TMap: 1268A5 Group: P6 Beat: 613 Src: T Inc Cmdr: Loc: I-8 WB OFF RA/SUNSET CLIFFS BL Loc Info: \*\*SIG ALERT #13-27\*\* Name: 622S1 Addr: Phone: /1133 (8587 ) NBRHD Point Loma Heights SAN DIEGO POLICE DEPT ADVISES SUNSET CLIFFS BL NB /1133 ENTRY AT I-8 TO WEST MISSION BAY DR IS CLOSED //SB SEA WORLD DR TO I-8 IS ALSO CLOSED DUE TO POLICE ACT IVIT Y- MOTORISTS ARE ADVISED TO USE ALTERNATE RO UTES, THIS CONDITIONS IS \*M\* ,EXPECTED TO LAST FOR THE NEXT 5 HRS//LD02 MM /1134 CHANGE /1134 #P13060000530 CROSS , 11:34:17 TO LDET, PHONE FROM LD02: INCIDENT HIS /1134 MISC TORY FOR: #P13060000682 XREF: #P13060000530 /1134 (8563 ) HOLD , AIRED BLUE1//LD02 MM /1136 (8587 ) MISC 138 (8563 ) DISPOS MEMO6 #POL POLICE TEMPLATE , AIRED CITYWIDE ,1138 MISC MEM06 /1438 (8952 ) MISC ,AIRED P8 /1438 (8342 ) MISC , AU P5 , AU P4 P7 /1439 (8909 ) MMISC , 3273P ADV THE AREA IS OPEN -- 614S 10-4 // LIFT /1553 (8461 ) MMISC ING SIGALERT , CANCELLED F6 /1554 MISC , AIRED BLUE1 LIFTED//LD01 MM /1554 (8587 ) MISC ,AIRED 1022 ON P5 /1554 (8952 ) MISC

/1728 (8563 ) CLEAR MEMO6 D/K

CLOSE MEMO6 D/K

/1728

				. ·
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		·		

06/03/13 07:20:00 PRINT REQUESTED BY TERMINAL TAPR

Incident History for: #P13060000835 Xref: #P13060000530

Case Numbers: \$PR130021589

Entered 06/01/13 13:41:27 BY CT13 8919 Dispatched 06/01/13 13:53:31 BY TRU916 4699

Enroute 06/01/13 13:53:31 Onscene 06/01/13 13:53:31 Closed 06/01/13 14:40:54

CLEAR

CLOSE

Initial Type: 487R

/1608 (8587 ) CROSS

/1440

/1440

Final Type: 487R (GRAND THEFT/REPORT \$950+) Pri: 4 Dispo: R Police BLK: 0770000062090 FMap: 2420B6 TMap: 1248A7 Group: T9

Beat: 122 Src: T Inc Cmdr:

Loc: btwn GRAHAM ST & FORTUNA AV

TRU916 D/R

TRU916 D/R

Loc Info: - TRU CALL - Name:

Name:		Addr: SAME///	Phone:
/1341 /1341	(8919 ) NBRHD ENTRY	Pacific Beach STOLEN BOTTLES OF D FRIENDS OVER/ UN MEDS//	, , , , , , , , , , , , , , , , , , , ,
/1346 /1353 /1408 /1440	(8587 ) HOLD (4699 ) DISPOS ASNCAS GDISPO	TRU916 #4699 DUNN, JEFF: \$PR130021589 D/R	REY

#P13060000530

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06/03/13 07:44:07 PRINT REQUESTED BY TERMINAL TAPR
 Incident History for: #P13060001099 Xref: #P13060000530
              06/01/13 16:31:27 BY LD01 8587
 Entered
              06/01/13 16:43:33
Dispatched
                                 BY RC01
 Inroute
              06/01/13 16:52:01
              06/01/13 17:29:33
 Onscene
              06/01/13
 Closed
                        19:57:29
 Initial Type: CW
 Final
       Type: CW
                       (CHECK THE WELFARE) Pri: 1 Dispo: K
 Police BLK: 0770000062090 FMap: 2420B6 TMap: 1248A7 Group: P1
 Beat: 122 Src: T Inc Cmdr:
                         btwn GRAHAM ST & FORTUNA AV
 Loc:
 Loc Info:
Name: 1650S-DEL TORO
                               Addr:
                                                              Phone: 6199800219
      (8587 ) NBRHD
                              Pacific Beach
/1631
/1631
                              ((FEM IS FRIEND OF THE OIS SUSP TODAY - REQ CRISI
               ENTRY
                              S - AN OFCR HAS TO BE 97 B4 CRISIS CAN BE DISPATC
                              HED)) - CONTACT
                                                            , PH #
                              FEM IS NOT 1145 - BUT VERY UPSET
/1631 (8909 ) HOLD
/1632 (8587 ) MISC
                              , 16:31:32 TO LDET FROM LD01: INCIDENT HISTORY FO
                              R: #P13060001099
/1633
               CROSS
                              #P13060000530
/1633
       (8909 ) MISC
                              , ROUTE 123S2/
/1643
                               #4806 ATWOOD, ROBERT
               DISP
                       122Y2
/1644
              $PREMPT
                       122Y2
 1.644
                              , UNIT ON CW
               HOLDC
                              , 123S T4 ON CALL PENDING
1644
               MISC
/1651
               DISP
                               #3696 NICHOLAS, ALAN M
                       110PT2
                                     HAMMER, MICHAEL
                               #0494
/1652 (3696 )*ENROUT
                       110PT2
/1729
              *ONSCNE
                       110PT2
/1730
     (8643 ) SUPP
                              TXT: FEM BACK ON LINE, SAYS SHE IS HAVING A PANIC
/1731
                              TXT: ADV UNIT WAS ENRT AND CALMED DOWN A BIT
               SUPP
/1736 (8909 ) OK
                       110PT2
/1736
               CALLBK
                       110PT2 ,LD01, PLS HAVE CRISIS RESPOND
/1738
                              ,CRISIS PAGED//LD01 MM
      (8587 ) CHANGE
                              , CRISIS 10-4; WILL CALL BACK W/ETA//LD01 MM
/1741
               CHANGE
/1745
       (8909 ) CALLBK
                       110PT2 ,LD01, PLS 1022 CRISIS, WILL BE A PERT 1148
/1747
       (8587 ) MISC
                       110PT2 , PAGED CRISIS TO 1022//LD01 MM
/1829
       (3696 ) * CHGLOC
                       110PT2 [UCSD HILLCREST]
                               , ONE
                                                 70.8
/1830
              * CHGLOC
                       110PT2 [WESTERN DIV]
                                              MILES 71.2
                               ONE
/1836
              *CHGLOC
                       110PT2 [WESTERN DIV]
                              , ONE
                                              MILES 71.2
/1838
              *MISC
                       110PT2
                                              HAD MEDICATION FOR PANIC ATTACKS
                              STOLEN. TRANSPORTED TO UCSD ER TO GET REFILL. WIL
                              L CALL COMMUNICATIONS TO BE TRANPORTED BACK HOME,
                               AND THEN CIT CAN ASIST.
/1841
              *ONSCNE
                       110PT2
.841
              *MISC
                       110PT2 ,
                               AT WESTERN ENDING MILES 77.2
/1929
                       110PT2 [UCSD HILLCREST]
              *CHGLOC
                              , ONE
                                                 MILEAGE IS 77.2
/1940
              *ONSCNE
                       110PT2
/1941
              *MISC
                       110PT2 , AT UCSD ENDING MILES 81.7
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/1957 /1957

\*CLEAR CLOSE

110PT2 D/K 110PT2 D/K

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# Suspect fatally shot by police along roadway near SeaWorld identified

Officer: Gun found in man's vehicle

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Posted: 06/01/2013 Last Updated: 7 days ago

SAN DIEGO - Authorities released the name of a 21-year-old man that was shot and killed by San Diego police Saturday in an incident that snarled traffic in Mission Bay Park.

The chain of events that led to the fatal shooting of Giacomo Cargnoni began at about 9:15 a.m. when patrol officers were called to the 1700 block of Sunset Cliffs Boulevard on a report a man was threatening to shoot another man, San Diego police Lt. Jorge Duran said.

Witnesses saw the suspect get into a silver Volkswagen sedan and drive north toward the San Diego River bridge, he said.

San Diego police spotted and stopped the vehicle north of the bridge, where Sea World Drive changes into Sunset Cliffs Boulevard, according to Duran.

Officers called for the man to put his hands up, but he ignored their commands and walked to the car's passenger side, reached between the seats and retrieved a brown and silver object, Duran said. The suspect then allegedly raised the object and pointed it at the officers, according to the lieutenant.

One of the officers, an 11-year veteran of the San Diego Police Department, fired his duty weapon and struck the suspect, Duran said. Officers later located a gun in the suspect's vehicle, he added.

The suspect was taken to an area hospital and later died, Duran said. His name was withheld pending family notification.

Traffic heading between Ocean Beach and Mission Bay Park was temporarily blocked, with northbound traffic diverted east onto Interstate 8. Traffic heading towards Ocean Beach was diverted onto Sports Arena Boulevard.

The interchange where West Mission Bay Drive, Ingraham Street, Sea World Drive, Sports Arena Boulevard and Sunset Cliffs Boulevard was heavily congested. But patrons were able to access the SeaWorld parking lots from Sea World Drive, police said.

A SigAlert was issued but traffic was flowing freely shortly before 1:30 p.m., according to the California Highway Patrol.

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## Officer shoots, kills suspect near SeaWorld

Paul Sisson (/staff/paul-sisson/) 10:58 a.m. June 1, 2013 Updated 4:50 p.m.



<u>(/photos/2013/jun/01/1027799/)</u> Officials

with the San Diego Police Department examine a vehicle driven by a man who was shot and killed Saturday morning on Sea World Drive. *Paul Sisson* 

SAN DIEGO — A San Diego police officer shot and killed a man Saturday morning on the shoulder of Sea World Drive after he made a threatening gesture during a traffic stop, authorities said.

Police Lt. Jorge Duran said officers were called to Ocean Beach about 9:12 a.m. on reports that a man had pointed a gun at the ad of another man at an apartment complex on Sunset Boulevard near Santa Cruz Avenue. Witnesses saw the man driving away a silver Volkswagen sedan.

When officers arrived, they spotted the car and pulled over the driver near where Sunset Boulevard crosses the San Diego River and becomes Sea World Drive.

Officers told him to get out and put his hands in the air, Duran said.

"The suspect did not comply. Instead, he exited the vehicle, went over to the passenger side ... and pulled out what appeared to be some sort of object, and raised it toward the officers. At this point, one officer fired his weapon," Duran said.

The man, whom police have not identified, was taken by ambulance to a hospital, where he died.

It was unclear what the man grabbed from the car. Duran said a knife was found on the ground nearby. He said four officers were there, but only one fired.

Mike O'Malley of Pacific Beach said his car was the first in a long line of cars stopped on the road west of where officers had stopped the Volkswagen. After pulling over, he said he recorded the incident with his cellphone.

Demonstrating with his hands pressed together in the typical posture of someone holding a handgun, O'Malley said the man clearly made a move toward the officers.

"He made a very aggressive gesture with both of his hands extended before him in the direction of the police officers," O'Malley said.

A shot sent the man to the ground, but he was able to roll to his knees and get back up, O'Malley said.

"He assumed the same aggressive pointing gesture, and then began walking toward the police officers when he was hit again, and "t's when he stayed down," O'Malley said.

He said he turned his cellphone over to police detectives as evidence and declined to provide a copy of the recording to the public.

"It's video of somebody dying. It's pretty sensitive to me. It was very upsetting," he said.

After the shooting police interviewed witnesses at the building on Sunset Boulevard where the emergency call originated http://www.utsandiego.com/news/2013/jun/01/shooting-seaworld-drive-officer-involved/all/?print

•

Officer shoots, kills suspect near SeaWorld   UTSanDiego.com	Page 2 of 2
a local musician, said he was at the residence when the man arrived to see a woman who lived there	and drew a
gun when he was told to go away and the man and woman were in a difficult relationship	

"It's a little bit of a Romeo and Juliet story ... basically two lovers that cannot be together," said

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			4.
			21

### Near SeaWorld?

by Frank Gormlie on June 1, 2013 · 3 comments

#### in Ocean Beach

In what looks like it could have been a conflict arising from a "love-triangle" – an incident this morning that began in or near an apartment at the intersection of Santa Cruz and Sunset Cliffs Boulevard ended with the police involved in a fatal shooting close to SeaWorld.

There are some conflicts in local news reporting on this incident, but around 9:12 a.m., Saturday, June 1, a man drew a gun on another guy in OB. Then the man with the gun drove off in a silver Volkswagan sedan – going north on Sunset Cliffs Blvd.

Meanwhile, someone had called 9-11, and when police arrived in the area, they saw the suspect's vehicle and pulled it over just across the bridge over San Diego River. Officers ordered the man out of the vehicle, but apparently he didn't immediately comply. He supposedly rummaged through the vehicle and then pulled up something that looked to the cops as a weapon. One officer fired. The guy got up and then was hit another time. He died after being taken to the hospital.

A witness, of Pacific Beach, told the media that he saw the shooting. He had stopped his car as it was the first car in a long line of vehicles halted – west of where police had pulled the Volkswagen over.

recorded the incident on his cell phone. said that he heard one cop yell over at the guy in the vehicle. The guy got out of the car holding something with both hands, reportedly in an aggressive stance. witnessed the officer shooting the male. He said:

"I had an anxiety attack. It was traumatic. I saw someone die."

demonstrated to the U-T reporter the stance that the man took – "hands pressed together in the typical posture of someone holding a handgun, said the man clearly made a move toward the officers."

"He made a very aggressive gesture with both of his hands extended before him in the direction of the police officers."

The first shot put the man on the ground but to the U-T reported that the guy " was able to roll to his knees and get back up." said:

"He assumed the same aggressive pointing gesture, and then began walking toward the police officers when he was hit again, and that's when he stayed down."

didn't turn over his cellphone with the video to the press, although he did willingly hand it over to police. He explained;

"It's video of somebody dying. It's pretty sensitive to me. It was very upsetting."

Another report had a man and woman walking home after having coffee seeing the man with a gun, and

Was It a "Love-Triangle" that Began in Ocean Beach and Ended with a Fatal Police Shoo... Page 3 of 10

the man threatened to shoot the other guy. After the man with the gun fled, and was pulled over, several media accounts state:

The suspect did not comply. Instead, officials say the man walked over to the passenger side of his car and began rummaging through his vehicle. He reached between the seats and pulled out what officers described as a brown and silver object. Officials say the suspect allegedly raised the object and pointed it towards officers, as if it were a weapon.

Fearing for life, one of the officers closest to the suspect drew his duty weapon and fired at least one shot at the suspect.

Police reportedly found a handgun inside the suspect's car. Also police said they discovered a knife. After the shooting, police blocked off SeaWorld Drive for hours, as they collected evidence and interviewed witnesses, diverting traffic all over the place for hours.

The U-T quotes a local musician — who said he was at the residence when the man with the gun first arrived — to see a woman who lived there. When he was told to leave, he drew the gun. said that the man with the gun and the woman were in a difficult relationship. He said:

"It's a little bit of a Romeo and Juliet story ... basically two lovers that cannot be together."

1

News sources:

7NBC

La Jolla Patch CNS

LA Times

U-T San Diego



{ 3 comments... read them below or add one }



OB Mercy June 2, 2013 at 12:05 pm

Sounds to me like suicide by police. So sad.

Reply

633

John June 3, 2013 at 3:37 am

			<u> </u>

Was It a "Love-Triangle" that Began in Ocean Beach and Ended with a Fatal Police Shoo... Page 4 of 10

I guess he took the breakup kind of hard...

#### Reply



#### Frank Gormlie June 3, 2013 at 10:01 am

Authorities Monday identified the young man shot and killed by San Diego police on Saturday as Giacomo Cargnoni, 21, of San Diego.

#### Reply

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HOME > NEWS > LOCAL

# Officer Shoots, Kills Suspect on SeaWorld Drive



An SDPD officer shot and killed a suspect on SeaWorld Drive Saturday morning.



**PHOTOS AND VIDEOS** 

An officer fatally shot a suspect on SeaWorld Drive in Ocean Beach Saturday morning, SDPD officials confirmed.

The officer-involved shooting happened around 9:30 a.m. in the 100 block of SeaWorld Drive near Mission Bay Drive.

SDPD homicide Lt. Jorge Duran says the ordeal began around 9:15 a.m. when a man and woman were walking home after grabbing coffee in the area. The couple allegedly saw a man with a gun in the 1700 block of Sunset Cliffs Boulevard and the suspect threatened to shoot the man.

The woman called police to report the incident.

SDPD officials say witnesses saw the suspect get into a silver Volkswagen sedan and drive north

Lt. Duran says responding officers spotted the

(\_)



More Photos and Videos

vehicle and tried to pull the suspect over. Once the man had stopped, officers ordered him to put his hands in the air.

The suspect did not comply. Instead, officials say the man walked over to the passenger side of his car and began rummaging through his vehicle. He reached between the seats and pulled out what officers described as a brown and silver object.

Officials say the suspect allegedly raised the object and pointed it towards officers, as if it were a weapon.

Fearing for life, one of the officers closest to the suspect drew his duty weapon and fired at least one shot at the suspect, Lt. Duran said. The suspect was taken to a local hospital, but died from injuries sustained in shooting. His name has not yet been released, pending family notifications.

SDPD officials say a handgun was found inside the suspect's car.

The scene was blocked off with police tape as police began their investigation, searching for evidence and interviewing witnesses. The suspect's vehicle was also stalled at the scene with its doors and trunk open. The vehicle had a broken window and several items were taken out of the trunk and placed on the roadway.

Following the shooting, there was a heavy police presence at the scene, including dozens of officers and multiple marked and unmarked police vehicles.

CHP officials helped with traffic control and issued a SigAlert due to the police activity in the area. As of 11:38 a.m., CHP officials said northbound Sunset Cliffs at Interstate 8 to West Mission Bay Drive would be closed for the next five hours. Get traffic updates here.

Witness told NBC 7 he saw the fatal shooting as he was driving to yoga. stopped his car and recorded the incident on his cell phone, which was then given to detectives.

said he heard the officer yell something at the suspect. Then, he saw the suspect get out of his car and hold both hands toward the officer, allegedly taking a stance as if he had a gun.

said he saw the officer the shoot the suspect. The witness said a car door was standing between the suspect and officer, and they were approximately 15 feet away from one another.

"I had an anxiety attack," said. "It was traumatic. I saw someone die."

SDPD officials say the officer involved in the fatal shooting is an 11-year veteran of the Department. His name was not released.

Witness told NBC 7 he knew the suspect who was shot by police. said the suspect recently lost his job and was going through a lot of turmoil.

Check back for updates on this developing story.

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#### **Leave Comments**



Add a comment...

Comment



OBrien McQuade . Some guy at APS - Access Professional Systems, Inc.

He was a friend of mine. Made a bad decision. RIP

5 · Like June 1 at 3:56pm



O'Brien==Was he a drunker. Or violent. Maybe ignorant. Why did he do this?

1 · Like June 1 at 9:10pm



OBrien McQuade · Some guy at APS - Access Professional Systems, Inc.

He had his problems like everyone else. Just caught up in the moment. Don't be quick to judge.

4 · Like June 1 at 10:29pm



View 1 n

Meaghan Biery . Top Commenter









Jordan Clift · Clairemont, California

if you don't know him, shut your mouths. he was a great kid with a good heart. boo hoo if you guys got stuck in

traffic. a friend to many people died. show some humility. Reply NEWS 3 at 11:21am

Alared Wall · MiraCosta College

Closed in Search for Rifle-

oting Man Reply Like June 3 at 11:53am

#### LOCAL

#### PHOTOS AND VIDEOS

THE SCENE

Foods



New opportunities

A growing field

LOCAL Oceanside Sees Rise in Visitors, Tourism \$\$



Most likely was



LOCAL Driver Arrested in Hit and Run ranged people do. They want to die,



SPORTS Shawne Merriman ystems, Inc. Hospitalized



ANDERSON

PLUMBING. HEATING & AIR

Multimedia

Why We Love San Diego Gallery II

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2013 Tony Awards: Red Carpet Fashion and More

Gloriously Unhealthy Fair

ENTERTAINMENT NEWS



Reply Like June 1 at 10:29pm

Local Larry Carrigan · Top Commenter · University of Southern California

Walking around threatening people with a gun is really stupid. I bet he doesn't do that again. Good riddenence.

4 · Like June 1 at 4:01pm



Krishna Haney · San Diego, California

Kaph, he would do that again because he's in the morgue Classy nost **US** Reply N 6 Like: June 1 at 4:58pm



k Edward Randall Santa Monica College Sign up to receive news and updates that matter to you Events Larry I hope you were being sarcastic. Dead guys don't do much gun waving. Also you got tedreadishoreLol

1 · Like June 1 at 5:40pm



Larry Carrigan ' Top Commenter ' University of Southern California

Thank you Krishna. I was stuck in traffic right there too because of one idiot. That's the only reason I looked up this incident. And innocent people could have been hurt so why would I care one bit about him? It could have been a very sa8 strat \ \ but the Strony ericles up....not so much.

7 · Like June 1 at 5:54pm Reply .

View 2 more

Sandra Hennessy Top Commenter

Joshua = = What the heck is wrong with you. What are you a other. Make level not wall this is real, and the way the words SELECT YOUR AGE: D get up and shoot be ck. That's how cops Mnderw18 man 19-25 66-75 Over 75



Don't be hating on the Hippies, now... Reply Like June 3 at 11:06am

Joshua Bevilacqua · Cake Decorator at Donut Bar another rookie cop shooting good people, making bad decisions. 3 - Like: Tune 1 at 11-35ar

ENTERTAINMENT

CONTACT US

TRAFFIC



http://www.nbcsandiego.com/news/local/Police-Investigate-OIS-Mission-Bay-Drive-Beac... 6/10/2013

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#### San Diego police fatally shoot man near Sea World

Posted: Jun 01, 2013 5:38 PM PDT Updated: Jun 01, 2013 5:38 PM PDT

SAN DIEGO (AP) - A San Diego police officer has fatally shot a man near Sea World after he pointed an object at police.

Lt. Jorge Duran said the man was pulled over after being suspected of pointing a gun at the head of another man Saturday morning.

Duran said the man refused to put his hands in the air when he was stopped. Instead, he got out of his car, pulled out an object and raised it toward officers.

A witness who vide<u>otaped the enc</u>ounter told UT San Diego (<a href="http://bit.ly/146SDJp">http://bit.ly/146SDJp</a>) that an officer fired his weapon, sending the man to the ground. Said the man got back up and made the same threatening gesture before being struck again.

Duran said a knife was later found at the scene.

Information from: UT San Diego, http://www.utsandiego.com

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C	RELATED ADDI	ERTY LISTED IN NARR.	SAN DIEGO CRIME / INCIE	ENT REPO	PRT '	GE CA 1 OF 9 1:	CIDENT NUMBER 1060000530 ISE NUMBER 3021570
C R I	614 DISTRICT		06/01/2013 -		DAY OF WEEK Sat	09:1:	ТІМЕ <b>2</b> -
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	DC I	FIRST, MIDDLE / OR ORGANIZA	ATION)		Oan Die	90	
	W-TYPE RESIDENCE ADDRESS			CITY		STATE Z	lb
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ĊT	BUSINESS OR MILITARY ADDRESS			CITY		STATE ZIP	N
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	ADDITIONAL INFORMATION (VICTIM	M VEHICLE INFO. IF APPLICABL	E)		enemicanna attivas a minut		
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,	SPECIFY:	U. Other.	1411	HOW USED:			
	handgun SPECIFY:			Point HOW USED:			
	TYPE OF STRUCTURE	POINT OF ENTRY	SECURITY USED				
		0. N/A	0. N/A	17. FORCED VICTIM	SUSPECT ACTION	<u>JN5</u>	
M. O.	N/A	0. N/A		MOVE			
I N		 - O. N/A					
N F O R							
M	TARGET(S)						
A T I							
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A	REPORTING OFFICER	I.D.# DIVISION		5.0.	DETECTIVE(S) ASSIGNED		DIVISION
ÎŃ	GUDOY DATE AND TIME OF REPORT	6301 W1			CASE STATUS AGENCY	CRIME TYF	)E
1.4		TIME: 10:27			31 SDPD	PC / 245	

PAC	2.OF 9												CASE N 130215		
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	ARRESTED SUSPECT #  Cargnon,	rt (LAST, FIRST, N , Giacomo	IIDDLE)	·											
	NICKNAME/AKA	Ciacomo					ID TY	/PE ID NUI	MBER						····
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Ď	See Investigative A	Addendum for	Details												
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# SAN DIEGO REGIONAL

τ,	AN	ADD HTO D	ITIONAL VICTI ER PEOPLE AS	MS / SSO	AND CIA	OR WITI	NESSES H THE CRIME	PAGE		CASE NUM	BER
LOCATION OF INCIDENT (OR ADDRES									OF 9	1302	21570
CITY					F3/C: A-F						
San Diego					веат 614		DISTRICT				
VICTIM'S NAME (LAST, FI	RST, MIDE	DLE / OR O	RGANIZATION)								· · · · · · · · · · · · · · · · · · ·
W-TYPE RESIDENCE ADDRESS							CITY			STATE ZIP	
06 RESIDENCE PHONE	RACE	SEX	DATE OF BIRTH	10.	TYPE	ID NUMBER				051	ATION TO:
			DATE OF BIRTH			ID NOMBEN		REQUI	PRETER		ATION TO: A / SUSPECT
STATUS EMPLOYER (RANK IF MILITA	ARY)				BUSI	NESS PHONE		DAYS OFF	W	ORK HRS.	V/W ASSIST
BUSINESS OR MILITARY ADDRESS							CITY			STATE ZIP	<u> </u>
ADDITIONAL INFORMATION (VICTIM V	ÆHICLE IN	NFO. IF API	PLICABLE)								
VICTIM'S NAME (LAST, FI	DOT ME	NE (OD O	プログ 4 5 11 7 4 T 10 5 D				(laboration of the laboration				
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BUSINESS OR MILITARY ADDRESS							CITY		\$	STATE ZIP	
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W-TYPE RESIDENCE ADDRESS							CITY			STATE ZIP	
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STATUS EMPLOYER (RANK IF MILITA	ARY)				BUSI	NESS PHONE		DAYS OFF	W	ORK HRS.	V/W ASSIST
BUSINESS OR MILITARY ADDRESS					1		CITY			STATE ZIP	<u>                                     </u>
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BUSINESS OR MILITARY ADDRESS							CITY		8	STATE ZIP	
ADDITIONAL INFORMATION (VICTIM V	EHICLE IN	VFO. IF API	PLICABLE)								
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W-TYPE RESIDENCE ADDRESS							A1991				
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RESIDENCE PHONE	RACE	SEX	DATE OF BIRTH	ID 1	TYPE	ID NUMBER		INTERP	RETER	REL/ VICTIN	ATION TO: 1/SUSPECT
STATUS EMPLOYER (RANK IF MILITA	ARY)				BUSI	NESS PHONE		DAYS OFF		ORK HRS.	V/W ASSIST
BUSINESS OR MILITARY ADDRESS							CITY			STATE ZIP	
ADDITIONAL INFORMATION (VICTIM V	'EHICLE IN	IFO. IF API	PLICABLE)								

1.D. 6301

DATE 06/01/2013

REPORTING OFFICER
GUDOY

 $\binom{1}{2}$ 

# INCIDENT NUMBER INVESTIGATION ADDENDUM REPORT 13060000530 CONTINUED FROM PAGE CASE NUMBER CRIME REPORT 4 OF 9 13021570 CODE SECTION AND DESCRIPTION (ONE INCIDENT ONLY) PC / 245A2 / ASSAULT WITH DEADLY WEAPON WIT LOCATION OF INCIDENT (OR ADDRESS) CITY DATE DAY OF WEEK TIME BEAT San Diego 06/01/2013 09:12 614 Sat PERSON(S) INVOLVED: VICTIM SUSPECT (IF NAMED) Cargnon, Giacomo PROPERTY TAG NO(S) **EVIDENCE COLLECTION** Officer's Investigation: I conducted the following attempts to locate, collect and preserve evidence from the crime scene at YES I made an effort to locate physical evidence LATENT PRINTS: If YES, what areas were printed with what results: Location # of Prints Lifted Disposition NONE FOUND REPORTING OFFICER I.D.# DIVISION DATE OF REPORT TIME

6301

W1

06/01/2013

10:27

**GUDOY** 

	13060000530
AGE	CASE NUMBER
5 OF 9	13021570

OTHER PHYSICAL EVIDENCE:	
I made other attempts to locate physical evidence at the scene.	•
If NO, explain:	
I recovered evidence listed in the spaces below (Include photographs also):	
Item Description	By Whom
How Marked	Disposition
Location Found:	
Tag Number:	
Item Description	By Whom
How Marked	Disposition
Location Found:	
Tag Number:	
Item Description	By Whom
How Marked	Disposition
Location Found:	
Tag Number:	
Item Description	By Whom
How Marked	Disposition
Location Found:	
Tag Number:	
Item Description	By Whom
How Marked	Disposition
Location Found:	
Tag Number:	
Item Description	By Whom
How Marked	Disposition
Location Found:	
Tag Number:	

CRIME San Diego Regional Officer's Report Narrative					Incident Number 13060000530			
Page 6 of 9					Case Number 13021570			
Code Section And Description (one incident onl PC / 245A2 / ASSAULT WITH DEADLY WEAP	y) ON WIT	***************************************	Date 6/1/2013		Day of Week Sat	Time 09:12		
Location Of Incident (Or Address)				City San Dieg	jo	District	Beat 614	
Person(s) Involved: Victim							1	
Suspect (If Named) Cargnon , Giacomo	· · · · · · · · · · · · · · · · · · ·							
Property Tag No.(s)					1800			
SYNOPSIS:  On 06-01-13, at approximately 0 verbal altercation regarding property to a scuffle on the floor. During the box cutter out of Cargnoni's Cargnoni ran to his vehicle park side of the vehicle. Initially Cargnonical did not back off.	perty that withe scuffle, hand. Cared in the anoni pointed noni turned body to	was taken from a cargnoni process, Cargnoni process, Cargnoni producted the gun to held the gun from a push	in the duced a box cuttoof the apartment ced a dark color is neck and thre himself and points and the gun neck and the gun ne	e past. T er. and ed hand atened t ated it at nade con back of	manag ran af gun from the to shoot hims C ntact with	n escala ed to kr ter him. e passer self if Cargnon eck. Th	ated nock nger i	
ORIGIN:								
On 06-01-13, at approximately 0 at that location with a handgun.			to ed the incident a	nd calle		rding a ations.	male	
<b>INVESTIGATION:</b>								
While in route to the scene per to Volkswagen and driving northboth The male was	ound on Su	ınset Cliffs Βοι		scene lo	cated at			
Upon arrival at the scene, I was briefly told me that a male acqua back of head during a physic	aintance w	ho verbally			pointed a ha	ndgun t	to the	
told me that Giacomo a visitor. had property Giacomo was responsible for it.	had staye taken fro	d in home o	on four different cluding a debit ca	occasion ard and	suspected	t, but or d that	nly as	
This morning, woke up believes that Giacomo confronted Giacomo regarding han argument ensued and escala	o may have nim being t	e let himself in here and regar	ding property ta	cked from ken fron	nt door. home ir	n the pa	oed. st.	
Reporting Officer GUDOY	ID # 6301	Division W1	Approved By		Date of Rep 6/1/2013	ort Time		
	•				C	ontinu	ed Y	

Continued From: CRIME	San Diego Regional Officer's Report Narrative				Incident Number 13060000530		
Page 7 of 9				1	Case Number 13021570	<u>'</u>	
Code Section And Description ( PC / 245A2 / ASSAULT WITH D	one incident only) DEADLY WEAPON WIT	· · · · · · · · · · · · · · · · · · ·	Date 6/1/2013		Day of Week Sat	Time 09:12	
Location Of Incident (Or Addres	s)			City San Diego	· · · · · · · · · · · · · · · · · · ·	District	Beat 614
Person(s) Involved: Victim							1
Suspect (If Named)	1						
Cargnon , Giacom Property Tag No.(s)							
vehicle parked in the with a handgun. He p the gun toward pointed the gun to the of heck. Giacomo see below statement)	ne apartment and came back to alley. Giacomo jo ointed the gun a several time e back of got into his vehicle.	d ran apartment umped into the to push a ran arabet and arove o	front passenger side to go away. Gi way. Europe the base of the base of the base of northbound on Su	ran south saw le of this v acomo sh ned to wall arrel end o unset Cliff	on Sunset Giacomo vehicle and oved the bak away and of the gun in s Boulevard	Cliffs walking to came or came	to his ut d of no back
Upon completing his companion witness the and their statement (For fi	ne incident that to	ook place outsic	de of the apartment.  were at the sce	. They we	re later idei	ntified as	
Upon completing their told me was inside apartment and witness statement (For further	e apartment (ssed the altercati	Unit when on between	heard an alterca	ation outsi		ne out of	
There were no other	witnesses at the	scene. I provide	ed with th	ne case nu	ımber for th	ne incide	nt.
Officers Campbell and and took photographs Peregrina's Arjis-9 re	and recovered	the t-shirt left be					е
Detective Navarro-Mowitnesses.	oran from Homic	ide arrived onso	cene and interviewe	ed the repo	orting party	and.	
BACKGROUND:							
None.							
STATEMENTS:							
Statement of		(Victim):					
Reporting Officer GUDOY	ID # 6301	Division W1	Approved By		Date of Rep 6/1/2013	oort Time 10:2	

Continued From: CRIME	San Diego Regional Officer's Report Narrative				Incident Number 13060000530			
Page 8 of g						Case Number 13021570	· · · · · · · · · · · · · · · · · · ·	
Code Section And Description PC / 245A2 / ASSAULT WITH	one incident only	r) ON WIT		Date 6/1/2013		Day of Week Sat	Time 09:12	
Location Of Incident (Or Addres				0///2010	City San Diego	· · · · · · · · · · · · · · · · · · ·	District	Beat 614
Person(s) Involved: Victim					San Diego	,	<u> </u>	014
Suspect (If Named)	<b>*</b>							
Cargnon , Giacon Property Tag No.(s)	no							
1.10polity (ag 110.(b)								
'Giacomo' has and he was no including a deb night so he may be distincted beside my bed stuff from me. I will hand with the bran. I ran after chased him but toward the alleginto the front pathe gun at me a and pushed meck. I felt the mid-size handog	longer welch it card. I do by have let he scuffled as holding he cox cutter do him and held he ran a blay behind my assenger side with it. I tutip of the gu	apartment comed been't know him been on the floating mento whe don't apartmed a grang mento who apartmed to work an on my received.	approximately frause I believe I bel	ne took some p who let him in. g, I woke up ar of allowed in my out a box cutter I on top of him a ed to knock it o came off as I w to my apartmen his car that want at and he had a ral times he sho at's when he sho on a semi-auto	roperty froperty froperty from I left the adding a partmetrial and at the adding as parked as parked and gundoved the arcoved	from my apaid front door under and he to holding the esame time and he represented in the alleyton to the esquento the esq	tment nlocked on the fook son box cu holding an out. and juil . He pomy bod back of	d last loor ne litter g the and I mped pinted ly my
Statement of and	esser		nd me the followin	(Witnesses):				
We were just wafter Giacomo. Giacomo walkii gun but Giacon away from him	valking back ca ng toward h no was hold tu ding very c	to the apame back is car and ling a gun arred awa	artment when wand we also say chase to great to great the control of the control	ve saw w Giacomo wal ed after him. We neck. We wer that's when Gia	king back e did not re telling acomo po	see where h jus pinted the gu	aw ne got that to wal un at	he Ik
Statement of			(Witness):					
esse	entially told r	me the fol	lowing:					
I was inside my arguing wit			eard some sold learn s	reaming "Moth t. ran		" I came out and they bo		ıw
Reporting Officer GUDOY		ID # 6301	Division W1	Approved By		Date of Repo 6/1/2013		

Continued From: CRIME	San Diego Regional Officer's Report Narrative					
Page 9 of 9			Gase Number 13021570			
Code Section And Description (on PC / 245A2 / ASSAULT WITH DE		Date 6/1/2013	Day of Week Sat	Time 09:12		
Location Of Incident (Or Address)			City San Diego	District	Beat 614	
Person(s) Involved: Victim						
Suspect (If Named)						
Cargnon , Giacomo						
Property Tag No.(s)						
eventually made	it into the alley. Giacomo we	ent into his car and gra	bbed a gun. At first	he was		

eventually made it into the alley. Giacomo went into his car and grabbed a gun. At first he was pointing the gun to his neck and he kept telling to go away or he was going to shoot himself. It is a solid him, "I'm gonna get you!" That's when he pointed the gun at walked away and Giacomo got in his car and drove off.

### **EVIDENCE:**

None.

#### **INJURIES:**

None.

# **PROPERTY DAMAGE:**

None.

#### **FOLLOW-UP:**

Per Detectives.

## **RELATED REPORTS:**

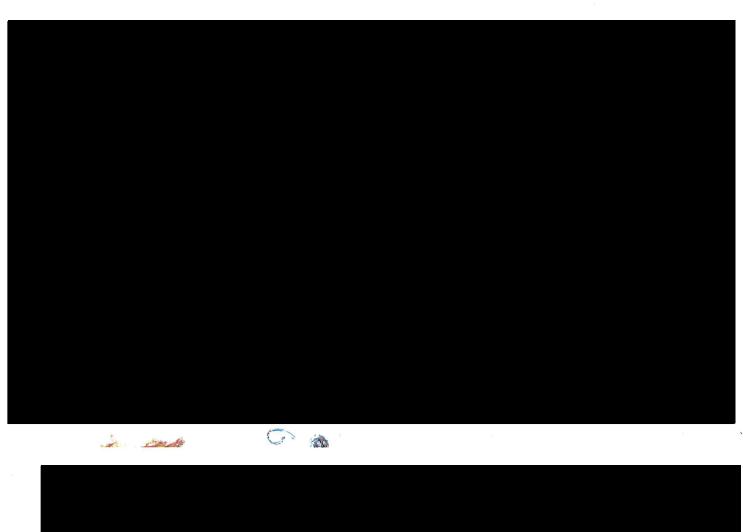
Officer D. Campbell Arjis-9 Report Officer E. Peregrina Arjis-9 Report

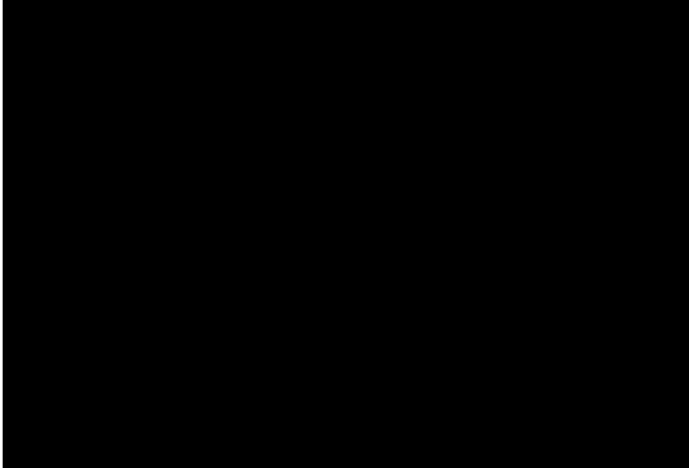
Approved By: A/Sgt.Tagaban

Reporting Officer	ID#	Division	Approved By	Date of Report	Time
GUDOY	6301	W1	''	6/1/2013	10:27



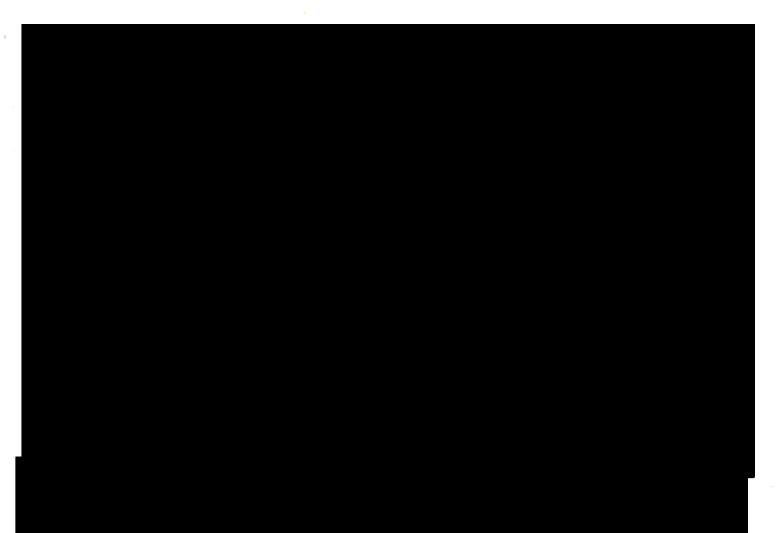
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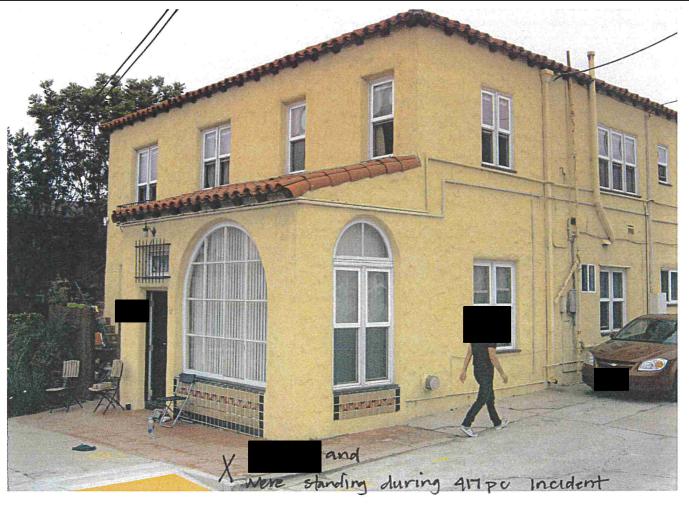




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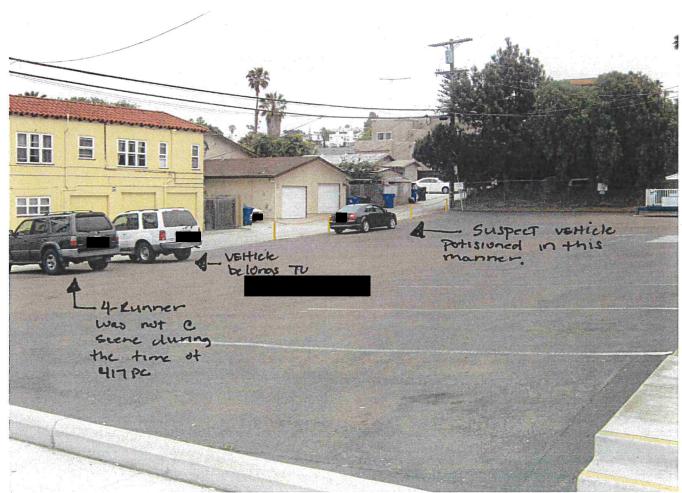


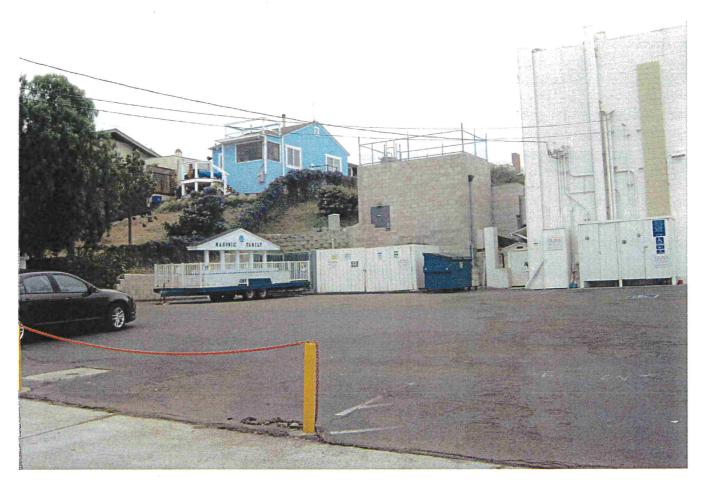


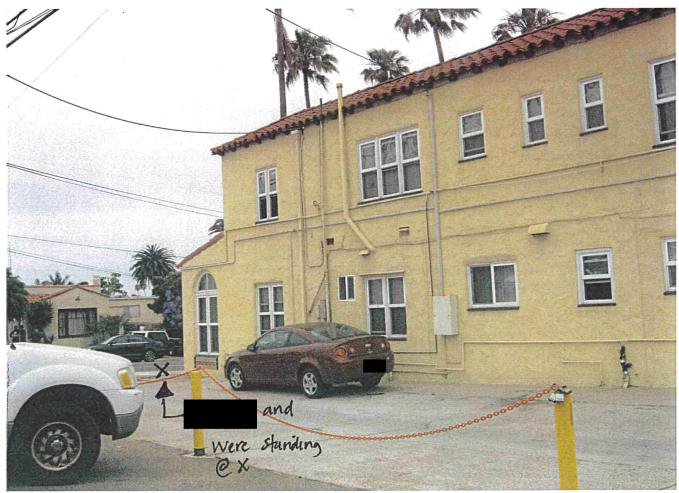


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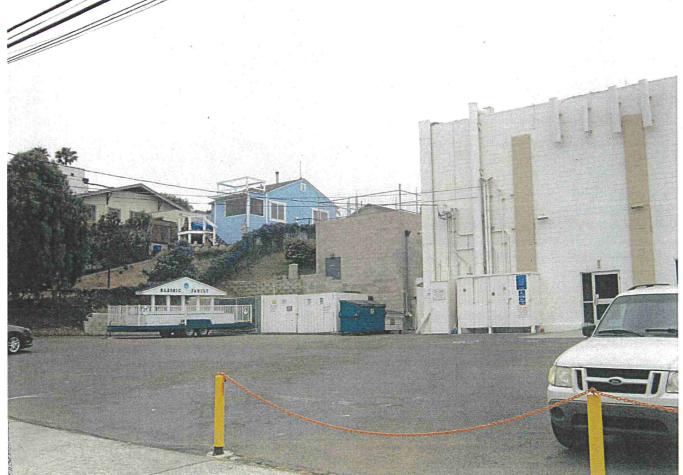














#### SAN DIEGO POLICE DEPARTMENT FORENSIC SCIENCE SECTION



#### FORENSIC BIOLOGY UNIT LABORATORY REPORT

VICTIM:

BUTERA, Richard, ID #5876

SUSPECT:

CARGNONI, Giacomo

**CHARGE:** 

245 PC

CASE #:

13-021594

**INCIDENT#:** 

13060000530

**HOMICIDE:** 

Detective C. Leahy, ID #5869

**CRIMINALIST:** 

David Cornacchia

DATE OF REPORT:

September 3, 2013

#### **EVIDENCE EXAMINED**

#### Barcode #

10238968

One (1) swab from the blade of the knife (10233622).

This swab was consumed for DNA analysis.

10238970

One (1) swab from the handle of the knife (10233622).

This swab was consumed for DNA analysis.

10238971

One (1) swab from the textured areas of the handgun (10233630).

This swab was consumed for DNA analysis.

10238972

One (1) swab from the entire surface of the handgun (10233630).

This swab was consumed for DNA analysis.

10238973

One (1) swab from the entire surface of the magazine (10233630).

This swab was consumed for DNA analysis.

10233649

Two (2) reference mouth swabs obtained from Giacomo Cargnoni.

A portion of one swab was extracted for DNA analysis.

#### SUMMARY OF ANALYTICAL PROCEDURES

- 1. Qiagen BioRobot EZ1 magnetic bead based DNA purification.
- 2. Quantitative PCR using Applied Biosystems' Quantifiler Duo kit.
- 3. PCR DNA amplification using Applied Biosystems' Identifiler Plus kit.
- 4. Capillary electrophoresis and analysis of amplified DNA using the ABI 3130 Genetic Analyzer.

#### **RESULTS**

See attached Table 1 for DNA typing results.

FORENSIC BIOLOGY UNIT Case #13-021594 September 3, 2013 Page 2 of 3

#### CONCLUSIONS

1. Mixtures of DNA from three or more individuals were obtained from the swab of the handle of the knife (10238970), and both of the swabs from the handgun (10238971 and 10238972). The predominant DNA profile in these mixtures matches the DNA obtained from Giacomo Cargnoni. The approximate probabilities of selecting an individual, at random, that matches this DNA profile are expressed in the following table:

Population Group	Probability				
Caucasian	1 in 8.7 quintillion				
African American	1 in 250 quintillion				
Hispanic	1 in 16 quintillion				

Due to the number of possible low level contributors to this mixture, the minor types are unsuitable for comparisons or for searching in the databases of the Combined DNA Index System (CODIS).

DNA profile frequency calculations were generated using population data taken from the Journal of Forensic Sciences 1999, 44(6), 1277-1286. The data for the D2S1338 and D19S433 loci was taken from Forensic Science Communications 2001, 3(3).

- 2. A mixture of DNA from three or more individuals was obtained from the swab of the knife blade (10238968). Giacomo Cargnoni is included as a possible major contributor to this mixture. Due to the number of possible low level contributors to this mixture, the minor types are unsuitable for comparisons or for searching in CODIS.
- 3. A low level mixture of DNA from two or more individuals was obtained from the swab of the magazine (10238973). Due to the number of possible low level contributors to this mixture, the results are unsuitable for comparisons or for searching in CODIS.

#### **DISPOSITION OF EVIDENCE**

All items were returned to the Property Room. Remaining extracted DNA was impounded on Barcode #10264331.

David Cornacchia ID# 8815 Criminalist September 3, 2013

Administrative Review Date 95/13

Date 95/13

SIRP

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FORENSIC BIOLOGY UNIT Case #13-021594 September 3, 2013 Page 3 of 3

Table 1 - DNA Typing Results

$\overline{}$	1			_	_		т-			_	_			т —				т -				
FGA	19,21*,	23	19*, 23*				19*, 23*			19, 23	[2]1*,	[24]*		19*.	23*, 24*			19, 23				
D5S818	11, 12,	13	11, 13				9*, 11,	12*, 13		11, 13	[12]*	1		11, 13*	`			11, 13				
Amel	X, Y		ΧΥ	`			X,Y			XY				XY				XX				
D18S51	12*, 14	*[8]	14				14			14				14				14				
TPOX	8*, 11,	2	**	*!	12*	-	8*,11,	12*		11, 12	*[8]	1		*8	11*,	12*		11, 12				
vWA	15,	16*, 18*, 19	15,	16*, 19			14*,	15, 19		15, 19	[16]*,	117	,	15*,	16*,	17*,	19*	15, 19				
D19S433	13, 14		13, 14	[15]*	1		13, 14	[12]*		13, 14	115 *	1			15*	. •		13, 14				
D2S1338	16*, 17,	18, 23*	17, 18*				17, 18*			17, 18	[23]*	1		17*, 18*,	19*	•		17, 18				
D16S539	11	[13]	11	•			11	[6]*		11				11		,		11				
D13S317	11, 12		11, 12				11, 12	[8]*,	[10]*, [13]*	11, 12				11, 12	*[8]			11, 12				
TH01	7,8	[0]	7,8	[0]*	[9.3]*		7,8	[9.3]*		7,8	[6]*	[6.3]*		7, 8*,	9.3*			7,8				
D3S1358	15, 16, 18		15*, 16,	18	[17]*,	[19]*	16, 17*,	18	[15]*	16, 18	[14]*,	[15],	[19]*	15*, 16,	17*, 18			16, 18				
CSF1PO	10, 12,	13*	10*, 11*,	12			10, 12			10, 12	[11]*	i		10*, 11*,	12*			10, 12				
D7S820	8, 10		10				10			10	[12]*			10, 11*				10				
D21S11	29, 30,	30.2, 32.2 [31.2]*	29, 30*,	32.2			29, 32.2			29, 32.2	[30]*,	[33.2]*		29*, 31*,	32.2			29, 32.2				
D8S1179	10, 13, 14		10, 14	[12]*,	[13]*,	[16]*	10, 14	[12]*,	[13]*,	10, 14	[12]*,	[13],	[16]*	10, 13*,	14			10, 14				
Description	89688201	Swap from the blade of the knife	10238970	Swab from the	handle of the	knife	10238971	Swab of textured	area of handgun	10238972	Swab from entire	surface of the	handgun	10238973	Swab from entire	surface of	magazine	10233649	Reference	sample:	Giacomo	Cargnoni

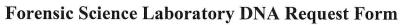
 $[\ ]$  = allele likely from a minor contributor

<sup>\* =</sup> allele that was detected in the stochastic range

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dmin. Docs. JUN 1 1 2013 SAN DIEGO POLICE DEPARTMEN





If emailed, must be sent as attachment to: labrequests@pd.sandiego.gov (As more information is added form will expand to 2<sup>nd</sup> page)

	(As more	imormation is added, it	orm win expand to 2	page)
Victim(s):	BUTERA, Richard #	£5876		Case Priority:
Suspect(s)	: _CARGNONI, Giaco	mo		☐ Lead ☐ Issuing
المحاطمية اللا	42060000520	C #: 40	0045054	
Incident #: Date of	13060000530	Case #: <u>13</u> Today's	-02159 <b>5</b> 十	Prelim.
Crime:		Date:06/10/	/2013	Trial
Requestor Name and			Hamiaida /	Attorney Information: (mandatory for Prelim or Trial)
IName and ID#:	Leahy #5869	Investigative Unit:	Homicide / Team-V	DDA:
				Phone:
Phone #:	M.S. #	713 Charg	e(s): 245 P.C.	Thone.
Email:				
				ON OF THE LABORATORY bubble bu
				leading to collection):
During a tra police.	ffic stop on a 245-gun ve	hicle, the suspect, CAR	GNONI, threatened off	icers and was shot and killed by
0	F	A T ( I		
	ne Evidence to be DN. Barcode # Ite	A lested: m#	Item Desc	ription
		3	Knife	
		10	Gun	
	e completed on both the f			g his autopsy. I am requesting nd the knife he threatened the
Reference Note: the prese	Samples from availab	ole suspect(s) and vi	ctim(s): ot eliminate the need to collec	ct a reference sample.
Name:	CARGONI, Giacomo	PT/Barcode: 1	0233649 Item #:	26 🛛 (S) 🔲 (V)
<del>2</del>	o, ii. com, ciacomo	_	Item #:	
ıvame:		PT/Barcode:	Item #:	(S) ☐ (V)
	Sergeant N	lame: M DEL TOP		
	Sergeant N	lame: M. DEL TOR	O Phone #:	



## SAN DIEGO POLICE DEPARTMENT FORENSIC SCIENCE SECTION





VICTIM:

BUTERA, SDPD Officer Richard

SUSPECT:

CARGNONI, Giacomo

CHARGE:

Special Investigation (OIS)/245(a)(2) PC

**INCIDENT #:** 

13060000530

CASE #:

13-021594/13-021595

**HOMICIDE TEAM 5:** 

Sergeant M. Del Toro/Detective C. Leahy

DATE OF INCIDENT:

June 1, 2013 (Saturday)

SCENE LOCATION:

100 Sea World Drive

CRIME SCENE SPECIALIST:

Jennifer C. Sanders

**CRIMINALIST:** 

Eugene LaChimia

#### **CRIME SCENE UNIT REPORT 2**

#### **Evidence Processing**

I received the evidence items listed below from the Headquarters Property Room on June 17, 2013. I processed these items on June 17, 2013, starting at approximately 1036 hours.

10233622:

One "OSBORNE" black handled folding knife.

Techniques:

This item was processed using visual examination, cyanoacrylate ester

fuming, black powder and swabbing.

Results:

10238967:

One lift of developed prints was collected.

10238968:

One swab of possible DNA evidence was collected from the blade of the

knife, after fingerprint processing.

10238970:

One swab of possible DNA evidence was collected from the handle of the

knife, after fingerprint processing.

10233630:

One "DESERT EAGLE 9mm" handgun with serial number

and

one magazine.

Techniques:

This item was processed using visual examination, cyanoacrylate ester

fuming, black powder and swabbing.

		t

CRIME SCENE UNIT Crime Scene Unit Report 2 Incident #13060000530 Case #13-021594 June 18, 2013 Page 2 of 2

Results:

No latent prints developed.

10238971:

One swab of possible DNA evidence was collected from the textured areas of

the handgun.

10238972:

One swab of possible DNA evidence was collected from the entire surface of

the handgun, after fingerprint processing.

10238973:

One swab of possible DNA evidence was collected from the entire surface of

the magazine, after fingerprint processing.

#### Latent Print Summary

10238967:

One latent print card containing one lift of developed prints.

Discs

10238979:

One "Master" DVD containing ten digital (note page) images.

10238980:

One "Working Copy" DVD containing ten digital (note page) images.

#### DISPOSITION OF EVIDENCE

The processed evidence items and the resulting items, which were each assigned a unique barcode number, were impounded under *Incident #13060000530*. Items were impounded in the *Headquarters Property Room*, with the following exceptions:

The "Master" and "Working Copy" discs were impounded in the *Laboratory* files.

Jennifer C. Sanders Crime Scene Specialist June 18, 2013

jcs

Technical Review: KnW #8245Date: 06.18 2013

Administrative Review: 973 8791 Date: 6.19.2013

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#### Cornacchia, David

From:

Leahy, Christopher

Sent:

Friday, August 16, 2013 9:48 AM

To:

Cornacchia, David

Subject:

Re: DNA request for Case #13-021594 (OIS)

Yes! Thank you

Sent from Christopher Leahy's iPhone

On Aug 16, 2013, at 8:08, "Cornacchia, David"

wrote:

Detective Leahy,

Are you okay with the consumption of the swabs collected off of the knife and gun in this case. Doing so, maximizes my chances of getting a usable DNA profile.

Also, is there a DDA assigned?

Thanks,

David Cornacchia

			* *
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CASE/INC: 13-021594 PAGE 1 of

Admid Pro 9/0/13 3

## San Diego Police Department Forensic Biology Section - Chain of Custody Worksheet

Case or Incident #:	13-021594	Analyst:					
	Barcode	Date/From	Date/To				
_		. Property Room	✓ Property Room				
Fre 10238968, 10238	eezer Packet containing 970, 10238971, 10238972, 10238973	FB Evid Freezer	FB Evid Freezer				
		8/22/2013	8/29/2013				
		✓ Property Room	✓ Property Room				
	10233649	FB Evid Freezer	FB Evid Freezer				
		8/22/2013	8/29/2013				
		Property Room	Property Room				
Extracted DNA	impounded on Barcode #10264331	FB Evid Freezer	FB Evid Freezer				
			8/28/2013				
		Property Room	Property Room				
		FB Evid Freezer	FB Evid Freezer				
		Property Room	Property Room				
		FB Evid Freezer	FB Evid Freezer				
		FB Evid Fleezei	FB EVIU FI eezei				
		Property Room	Property Room				
		FB Evid Freezer	FB Evid Freezer				
		Property Room	Property Room				
		FB Evid Freezer	FB Evid Freezer				
		Property Room	Property Room				
		FB Evid Freezer	FB Evid Freezer				
		Property Room	Property Room				
		FB Evid Freezer	FB Evid Freezer				
		Property Room	Property Room				
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		Property Room	Property Room				
		FB Evid Freezer	FB Evid Freezer				
		Property Room	Property Room				
		FB Evid Freezer	FB Evid Freezer				
		Evid Treezer	Lo Evid FreeZel				

Jechnical States



## **13-021594** DC 8/22/13

One (1) SDPD Freezer Packet labeled in part "Inc #13060000530" cntng:

 One (1) sealed (w/ evidence tape) manila envelope (ME) labeled in part "Barcode #10238968 One swab of possible DNA evidence collected from the blade of the knife (10233622)" cntng:

10238968 One (1) swab w/ black staining

- This swab was consumed for DNA analysis
- 2) One (1) sealed (w/ evidence tape) ME labeled in part "Barcode #10238970 One swab of possible DNA evidence collected from the handle of the knife (10233622)" cntng:

10238970 One (1) swab w/ black staining

- This swab was consumed for DNA analysis
- 3) One (1) sealed (w/ evidence tape) ME labeled in part "Barcode #10238971 One swab of possible DNA evidence collected from the textured areas of the handgun (10233630)" entrg:

10238971 One (1) swab w/ no apparent discoloration

- This swab was consumed for DNA analysis
- 4) One (1) sealed (w/ evidence tape) ME labeled in part "Barcode #10238972 One swab of possible DNA evidence collected from the entire surface of the handgun (10233630)" cntng:

10238972 One (1) swab w/ black staining

- This swab was consumed for DNA analysis
- 5) One (1) sealed (w/ evidence tape) ME labeled in part "Barcode #10238973 One swab of possible DNA evidence collected from the entire surface of the magazine (10233630)" cntng:

10238973 One (1) swab w/ black staining

• This swab was consumed for DNA analysis

	San Diego Police Department Forensic Biology Unit - BioRobot EZ1 Extraction Worksheet												
Case			Date:		8/22/2013	Analyst:							
	Item / Description	Comments			Item / Description	Comments							
1	10168834_12-020981			26									
2	10168835_12-020981			27									
3	10168843_12-020981			28									
4	10168844_12-020981			29									
5	10168846_12-020981			30	,								
6	10168857_12-020981			31									
7	10168861_12-020981			32									
8	10168864_12-020981			33									
9	10168870_12-020981			34									
10	10168876_12-020981			35									
11	10168887_12-020981			36									
12	10168890_12-020981			37									
13	<mark>10238968_13-021594</mark>			38									
14	<mark>10238970_13-021594</mark>			39									
15	10238971_13-021594			40									
16	10238972_13-021594			41									
17	10238973_13-021594			42									
18	RB1			43									
19	RB2			44									
20	RB3			45									
21				46									
22				47									
23				48									
24				49									
25				50									
	EZ1 #1	☐ EZ1 #3	EZ1 #	ŧ4	EZ1 #5	1 #6 ZI Advanced							
Dige	est Buffer	750 µL	Р	rep'd:	3/13/2013	Elution Volume (µL)							
	. K (10mg/mL)	 30 µL			3/13/2013	40							
	Incubation (56 C) Start:			End:	1235								
REA	AGENT STRIP LOT#	QI3-13		От	E Elution	RNA Added							

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V.

8/23/13

One (1) sealed (w/ evidence tape) Reference Mouth Swab Collection Kit labeled in part "Barcode #10233649" cntng:

One (1) ME labeled in part "Reference mouth swabs (S) Cargnoni" cntng:

One (1) unlabeled ME cntng:

10233649 Two (2) reference mouth swabs obtained from Giacomo Cargnoni

- Both swabs had faint red/brown staining.
- $\sim \frac{1}{4}$  of one swab was extracted for DNA analysis.

CASE/INC:13-021594 PAGE 5

San	San Diego Police Department Forensic Biology Unit - BioRobot EZ1 Extraction Worksheet											
Case:			Date:		8/23/2013		Analyst:					
Item / Descript	tion	Comments		a _102-	Item / Description		Comments					
1 10153675JG				26								
2 10233649GC				27								
3 RBR		81		28								
4				29								
5				30								
6				31								
7				32								
8				33	2							
9				34								
10				35	The second secon							
11				36								
12				37								
13				38								
14		A THE STREET WATER CONTYNION OF THE STREET		39								
15				40								
16				41			-					
17				42								
18				43								
19				44								
20				45								
21				46	1							
22				47	×							
23				48								
24				49								
25				50			<u> </u>					
EZ1 #1	EZ1 #2	☐ EZ1 #3	EZ1 #	#4	EZ1 #5	✓ EZ1 #6	EZ1 Advanced					
Digest Buffer	1-	190μL	F	Prep'd:	3/13/2013		Elution Volume (µL)					
Prot. K (10mg/mL)	1	10μL	F	Prep'd:	3/13/2013		200					
Incubation (5	66 C) Start:	0550		End:	0625							
REAGENT STRIP L	_OT#	QI3-13		<b>⊚</b> ⊤	E Elution O dH2O E	Elution	RNA Added					
					Trace Protocol							

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CASE/INC:13-021594 PAGE 6

Case:	Quant Date:	8/23/2013	Analyst:	

Master Mix Prep:

Reagent samples X vol (µl) Total (µl)\* **QPCR Reaction Mix** 28 12.5 409.8 **QPCR Primer Sets** 28 10.5 344.3

 Quantifiler Duo Lot #:
 1304053

 7500 Instrument:
 2

 Setup:
 Nimbus 1

	* = Total volume increased	to allow	for ninetting	variation	344.3	J		Setup	,. ——	1 111	ibus i		(
	- Total Volume increased			W-1-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-2-							Human Ct	Male Ct	
	Equations		uman	С	oncentrati	on = 10^(	(Ct - 28.73)	2382)/-3.412)		Cal 1	25.516	26.52	
	Lquations		Male	С	oncentrati	on = 10^(	(Ct - 29.80	6067)/-3.450)		Cal 2	27.642	28.77	
WEST AND		vol.	Conc.	(ng/μL)	Ratio	IPC	2,2363	x (19) - 19 - 11 - 11 - 11 - 11	vol.	Conc.	(ng/μL)	Ratio	IPC
Well	Sample Name	(µL)	Human	Male	(H/M)	СТ	Well	Sample Name	(µL)	Human	Male	(H/M)	СТ
A1	Calibrator 1	2	8.765	8.959	0.978	30.20	A7		(P=)	Tramair	illaro :	(i iziti)	
B1	Calibrator 2	2	2.088						-				
C1				1.997	1.046	29.95	B7		-				
	TE_Amp_Blank	2	undet.	undet.		29.89	C7						
D1	10168834_12-020981	2	0.072	0.044	1.610	29.95	D7						
E1	10168835_12-020981	2	0.006	0.004	1.619	29.99	E7						
F1	10168843_12-020981	2	undet.	0.004		29.81	F7						
G1	10168844_12-020981	2	0.027	0.031	0.865	29.85	G7						
H1	10168846_12-020981	2	0.001	0.004	0.302	29.82	H7						
A2	10168857_12-020981	2	0.005	0.009	0.524	29.83	A8						
B2	10168861_12-020981	2	0.184	0.208	0.882	29.87	В8						
C2	10168864_12-020981	2	0.006	0.002	3.088	29.90	C8						
D2	10168870_12-020981	2	0.002	undet.		29.85	D8						
E2	10168876_12-020981	2	0.003	undet.		29.88	E8		+				
F2	10168887_12-020981	2	0.006	0.008	0.697	29.89	F8		+				
G2									_				
	10168890_12-020981	2	0.010	0.002	4.181	29.88	G8						
H2	10238968_13-021594	2	0.011	0.019	0.570	29.89	H8						
A3	10238970_13-021594	2	0.007	0.006	1.183	29.94	A9	10-10-10-10-10-10-10-10-10-10-10-10-10-1					
B3	10238971_13-021594	2	0.013	0.009	1.411	29.90	B9						
C3	10238972_13-021594	2	0.139	0.085	1.638	29.96	C9						
D3	10238973_13-021594	2	0.007	undet.		29.83	D9						
E3	RB1	2	undet.	undet.		30.01	E9						
F3	RB2	2	undet.	undet.		29.93	F9		1				
G3	RB3	2	undet.	undet.		30.00	G9		-		-		
H3	10153675JG	2	0.976	1.063	0.918	29.88	H9						
A4	10233649GC	2	1.620	1.645	0.985	29.95			+				
B4	RBR				0.965		A10		+				
		2	undet.	undet.		29.98	B10						
C4	Calibrator 1(II)	2	10.734	11.098	0.967	30.16	C10		-				
D4	Calibrator 2(II)	2	2.129	2.223	0.958	29.96	D10						
E4							E10						
F4							F10						
G4							G10						
H4							H10						
A5							A11						
B5							B11						
C5							C11						
D5							D11		_				
E5		20							-				
							E11		-				
F5							F11						
G5							G11						
H5							H11						
A6							A12						
B6							B12						
C6							C12						
D6							D12		1 -				
E6							E12		+-				
F6						$\vdash \vdash \vdash$	F12		+				
G6						-	2 200		+				
200.00							G12		+				
H6							H12			don to some			

## SAN DIEGO POLICE DEPARTMENT FORENSIC SCIENCE SECTION

### AmpF/STR Identifiler Plus - PCR Amplification Worksheet

Case:		Date:	8/23/	2013	Analyst:		<u> </u>
			Master Mix Pr	ep:			
Ide	entifiler Plus Kit Lot #: IDP2-13			gent	# Samples	X vol (µl)	Total (µl)*
TE	Date Prep : 3/13/2013	•		ster Mix	18	10	253.4
Th	ermal Cycler # : 1			mer Set	18	5	126.7
√ Nimb	us assisted setup BioRobot Univers	aal Catum	·	een increased to allouree assisted setup	w for pipetting variati		
		sai Setup	DNA conc.			ual setup	
Tube #	Item/Description		(ng/ul)	Sample (uL)	TE (uL)	Final DN	A Volume
1	9947A_Control		n/a	6.0	4.0	10	)µL
2	TE_Amp_Blank		undet.	0.0	10.0	10	)μL
3	10168834_12-020981	[conc]	0.072	16 to 10	0.0	10	)µL
4	10168835_64_12-020981	[conc]		10.0	0.0	10	)μL
5	10168843_90_12-020981	[conc]		10.0	0.0	10	)µL
6	10168844_12-020981	[conc]	0.027	10.0	0.0	10	)µL
7	10168846_87_12-020981	[conc]		10.0	0.0	10	)µL
8	10168857_70_76_12-020981	[conc]		10.0	0.0		)µL
9	10168861_12-020981		0.184	6.0	4.0		)µL
10	10238968_13-021594	[conc]	0.011	10.0	0.0		)µL
11	10238970_13-021594	[conc]	0.007	10.0	0.0		)µL
12	10238971_13-021594	[conc]	0.013	10.0	0.0		 )μL
13	10238972_13-021594		0.139	8.0	2.0		)µL
14	10238973_13-021594	[conc]	0.007	10.0	0.0		)µL
15	RB1_2_3 *	[conc]		10.0	0.0	10	)µL
16	10153675JG	(1/10)	0.098	6.5	3.5	10	)µL
17	10233649GC	(1/10)	0.162	4.0	6.0		)µL
18	RBR	(1/10)	undet.	6.5	3.5	10	)µL
19						10	)µL
20						10	)µL
21							)μL
22							<u>'</u> )μL
23							)μL
24							)µL

[conc] = Samples Concentrated to ~10uL using a DNA Speed-Vac


# SAN DIEGO POLICE DEPARTMENT FORENSIC SCIENCE SECTION 3130 Sample Setup Sheet

1		Case #:				Date:	8/24/2013	2013			Analyst:		ر
10238973_13- 021594 10153675JG 10233649GC 10233649GC 10248601CG	L	1	2	3	4	5	9	7	8	6	10	11	12
RB1_2_3 10153675JG 10233649GC LADDER_2 Yfiler_LADDE R	<	Formamide Blank	10168844_12- 020981	10238973_13- 021594	RBR								
10233649GC 10233649GC LADDER_2 Yfiler_LADDE R	<u> </u>	Formamide_I SS	10168846_87_ 12-020981	RB1_2_3	007_Control		¥						
10248601CG	U		10168857_70_ 76_12-020981	10153675JG	TE_Amp_Blan k								
F         TE_Amp_Blan 10238968_13-	Ω	9947A_Control		office and	Yfiler_LADDE R_2				II.				
F       10168834_12- 10238970_13- 021594       LADDER_2         G       10168843_90_ 10238972_13- 12-020981       Yfiler_LADDE		TE_Amp_Blan k	10238968_13- 021594	RBR						u.			
G 10168835_64_10238971_13-	Ш	10168834_12- 020981	10238970_13- 021594	LADDER_2									,
10168843_90_	Ö	10168835_64_ 12-020981	10238971_13- 021594	Yfiler_LADDE R									
	I	10168843_90_ 12-020981	10238972_13- 021594	10248601CG									

			# of samples +	
Reagent	Lot#	(lrl) lov	9	Total (µI)
Form.	12027204	17.4	34	591.6
Int.Std.	1305144	9.0	34	20.4
-adder	IDP2-13	2		

Corbett CAS-1200

Sample setup:

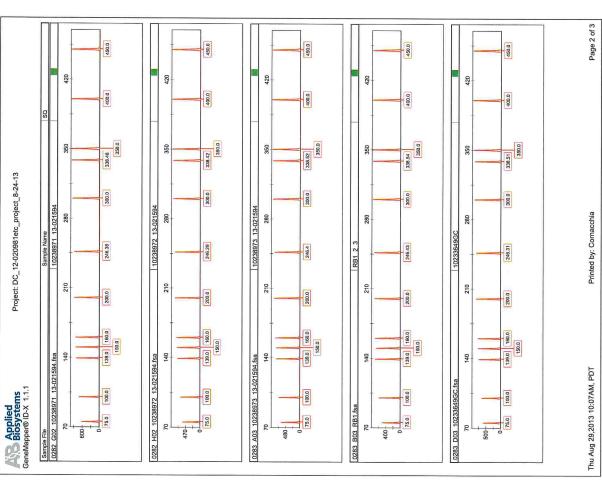
3130C

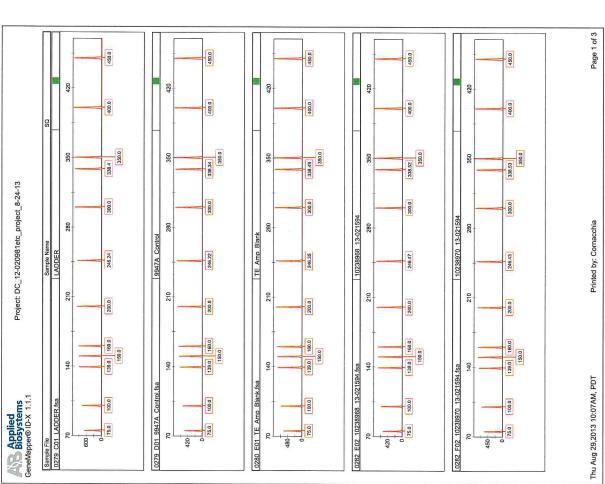
Instrument:



Project: DC\_12-020981etc\_project\_8-24-13

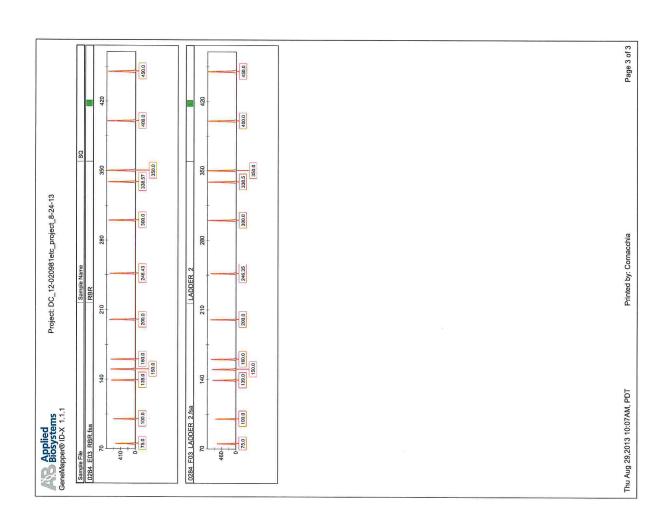
Sample Name	Conc	iviappel® ID-X 1.1.1						
Formanios   Blank		Sample Name	Sample Type	Analysis Method	Panel	Size Standard	SO	CGO
2	1	Formamide Blank			The second secon		<u></u>	
Albeit_Ladder								-
9897A_Central							\$165V	
15   T.E., Amp., Blank			The second secon	Transport State Control of the Contr				
1018884_12-02081   Sample								
1   10168835, 84,12,02081   Sample						CE_G5_Identifiler_Plus_GS500		X.02
10   10   10   10   10   10   10   10			Sample	ID-X Identifiler Plus	Identifiler_Plus_Panels_v1X	CE_G5_Identifiler_Plus_GS500		
0   10188843, 90, 12-020981   Sample	7	10168835_64_12-020981	Sample	ID-X Identifiler Plus	Identifiler_Plus_Panels_v1X	CE_G5_Identifiler_Plus GS500		
10168844_12-020981   Sample   D.X identifier Plus   Identifier Plus   Ce. G.S. Identifier Plus   GSS00   1	8	10168843_90_12-020981	Sample	ID-X Identifiler Plus	Identifiler Plus Panels v1X		Big.	
10   1018846 87 12-020981   Sample   D.X Identifier Plus   Case	9	10168844 12-020981						
11   1018887.70.78, 12-020881   Sample   D.X Identifier Plus   Gentifier Plus   Sample   D.X Identifier Plus   Gentifier Plus   Sample   D.X Identifier Plus   Gentifier Plus	10						E STATE OF THE STA	_
10168861_12-020981   Sample   D.X Identifier Plus   Garden   Plus   Panels v1X   CE_GS_Identifier_Plus_GSS00			Charles and the control of the contr				1000	
1023898   3-021594   Sample   D.X Identifier Plus   Identifier Plus   Sample   D.X Identifier Plus   Sample   D.X Identifier Plus   Sample   D.X Identifier Plus   Identifie				The second secon			<b>FB</b>	
1023897_13-021994   Sample   IDX Identifier Plus   Identifier Plus Panels VIX   CE, G5_Identifier Plus G5500   IDX Identifier Plus Plus   Identifier Plus Plus Plus   Identifier Plus Plus Plus   Identifier Plus Plus Plus Plus   Identifier Plus Plus Plus Plus Plus Plus Plus Plus		<u> </u>		ID-X Identifiler Plus	Identifiler_Plus_Panels_v1X		<b>智能</b>	
10238971_3-0.21594   Sample   ID.X Identifier Plus   Identifier Plus   Panels VIX   CE		10238968_13-021594	Sample	ID-X Identifiler Plus	Identifiler_Plus_Panels_v1X	CE_G5_Identifiler_Plus_GS500		
10238971_30.21594   Sample   ID.X Identifier Plus   ID.S Identifier Plus   GS500   ID.S Identifier Plus   ID.S Identifier Plus   ID.S Identifier Plus   ID.S Identifier Plus	14	10238970_13-021594	Sample	ID-X Identifiler Plus	Identifiler_Plus_Panels_v1X	CE G5 Identifiler Plus GS500	扩展	
16 10238972 (3-021594 Sample ID-X Identifiler Plus Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 IN 10238473 (3-021594 Sample ID-X Identifiler Plus Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 ID-X Identifiler Plus Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 ID-X Identifiler Plus Identifiler Plus Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 ID-X Identifiler Plus Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 ID-X Identifiler Plus Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 ID-X Identifiler Plus Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 ID-X Identifiler Plus Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 ID-X Identifiler Plus Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 ID-X Identifiler Plus Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 ID-X Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 ID-X Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 ID-X Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 ID-X Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 ID-X Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 ID-X Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 ID-X Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 ID-X Identifiler Plus Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 ID-X Identifiler Plus Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 ID-X Identifiler Plus Identifiler Plus Panels VIX OE. GS. Identifiler Plus GS500 ID-X Identifiler Plus Identifiler Plus Identifiler Plus Identifiler Plus Identifiler Plus Panels VIX OE. GS. Identifiler Plus Iden	15	10238971 13-021594	Sample					
10239373, 13-021594   Sample   D-X Identifier Plus   Identifier Plus   Panels, y1X   CE_GS_ Identifier Plus   GSS00   19   10159675JG   Sample   D-X Identifier Plus   Identifier Plus   Panels, y1X   CE_GS_ Identifier Plus   GSS00   10   10239349CC   Sample   D-X Identifier Plus   Identifier Plus   Panels, y1X   CE_GS_ Identifier Plus   GSS00   10   10   10   10   10   10   10	16	10238972 13-021594		CONTRACTOR			02116	
Ref. 2 3   Negative Control   ID-X Identifiler Plus   Identifiler Plus   Plus   Panels v1X   CE G5   Identifiler Plus   GS500   ID-X Identifiler Plus   Identifiler Plus   Plus   Plus   VIX   CE G5   Identifiler Plus   GS500   ID-X Identifiler Plus   Identifiler Plus   VIX   CE G5   Identifiler Plus   GS500   ID-X Identifiler Plus   Identifiler Plus   VIX   CE G5   Identifiler Plus   GS500   ID-X Identifiler Plus   Identifiler Plus   VIX   CE G5   Identifiler Plus   GS500   ID-X Identifiler Plus   Identifiler Plus   Plus   VIX   CE G5   Identifiler Plus   GS500   ID-X Identifiler Plus   Identifiler Plus   Plus   Plus   VIX   CE G5   Identifiler Plus   GS500   ID-X Identifiler Plus   Identifiler Plus   Plus   Plus   VIX   CE G5   Identifiler Plus   Identifiler Plus   Plus   VIX   CE G5   Identifiler Plus   Identifiler Plus   Plus   Identifiler Plus   Plus   Identifiler Plus   Plus   Identifiler Plus   Identifile								
19 10159875.JG Sample ID-X Identifiler Plus Identifiler Plus Panels v1X CE_G5_Identifiler Plus GS500 20 10239849GC Sample ID-X Identifiler Plus Identifiler Plus Panels v1X CE_G5_Identifiler Plus GS500 21 RBR Negative Control ID-X Identifiler Plus Identifiler Plus Panels v1X CE_G5_Identifiler Plus GS500 22 LADDER_2 Allelic Ladder ID-X Identifiler Plus Identifiler Plus Panels v1X CE_G5_Identifiler Plus GS500 3 DENTIFIED PLUS IDENTIFIED PLUS IDE								
10233649GC Sample D-X Identifiler Plus Identifiler Plus Identifiler Plus Panels vTX CE_GS_Identifiler_Plus_GS500							ES!	65
Regregative Control   ID-X Identifiler Plus   Identifiler Plus   Plus Panels v1X   CE_G5_Identifiler_Plus_GS500   ID-X Identifiler Plus   Identifiler_Plus_Panels_v1X   CE_G5_Identifiler_Plus_GS500   ID-X Identifiler_Plus_Panels_v1X   ID-X Identifiler_Plus_Pan	-							
Regregative Control   ID-X Identifiler Plus   Identifiler Plus Panels v1X   CE_G5_Identifiler_Plus_GS500   ID-X Identifiler Plus   Identifiler_Plus_Panels_v1X   CE_G5_Identifiler_Plus_GS500   ID-X Identifiler_Plus_Panels_v1X   Identifiler_Plus_			Sample	ID-X Identifiler Plus	Identifiler_Plus_Panels_v1X	CE_G5_Identifiler_Plus_GS500	1877	
Allelic Ladder  ID-X Identifiler Plus Identifiler Plus Panels v1X  CE_GS_Identifiler_Plus_GS5000  CE_GS_Identifiler_Plus_GS5	21	RBR	Negative Control	ID-X Identifiler Plus	Identifiler_Plus_Panels_v1X		體質	- S
	22	LADDER 2	Allelic Ladder	ID-X Identifiler Plus				製
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	Sat A	ug 24,2013 02:37PM, PDT		Printed by:	Cornacchia		Pa	ge 1 of 1





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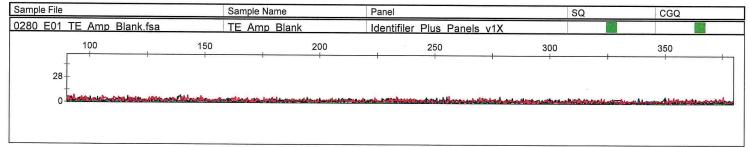


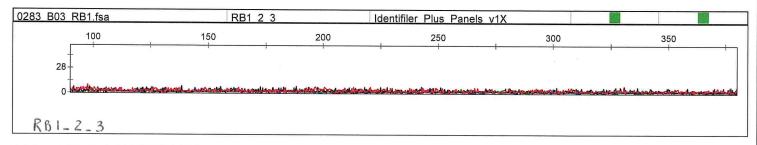


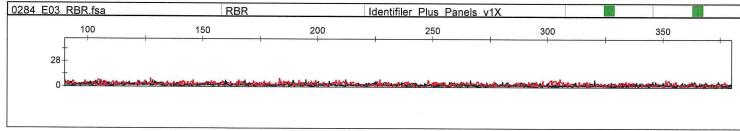
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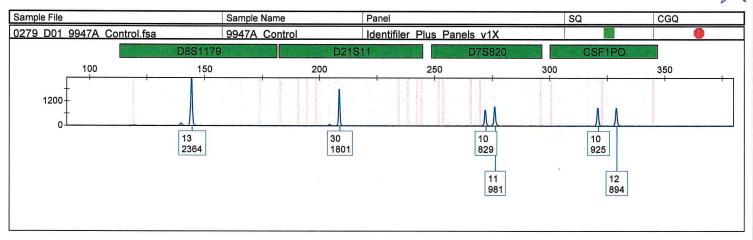


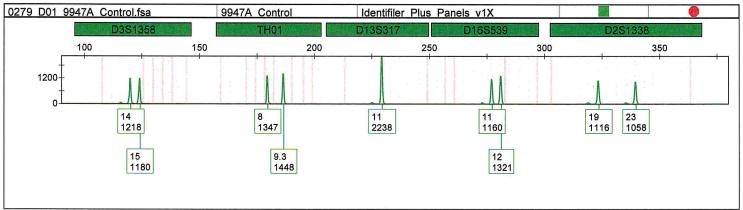


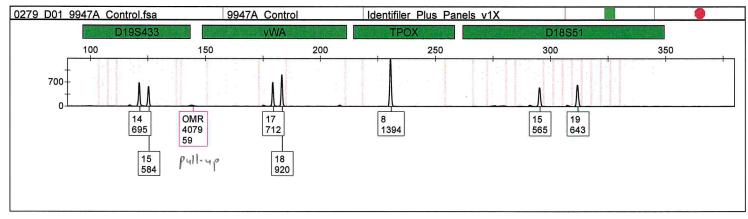


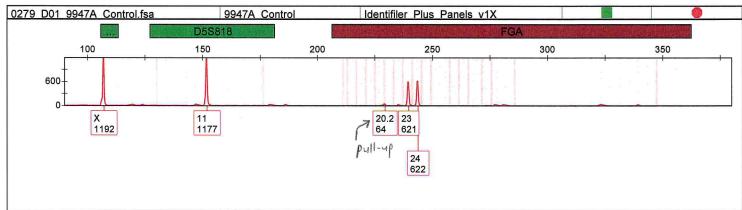












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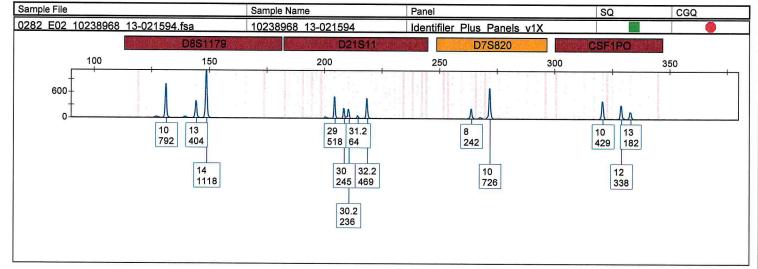


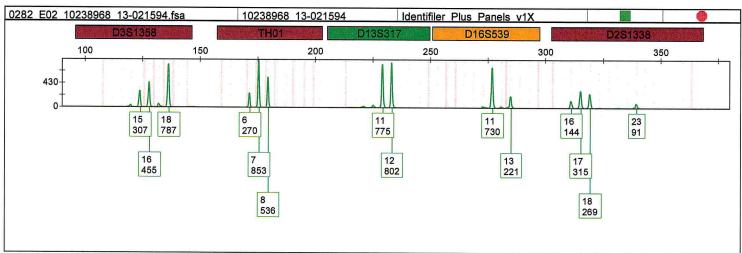
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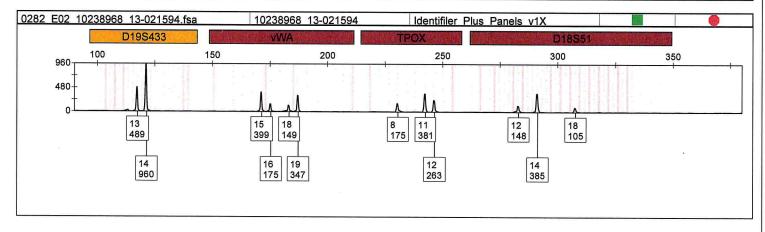
Dye/Sam		Marker	Allele	Size	Height	Data Point
B,1	0279_D01_9947A_Control.	position and a second s		139.82	151	4018
B,2	0279_D01_9947A_Control.		13	144.31	2364	4078
B,3	0279_D01_9947A_Control.	fsa		204.57	121	4958
B,4	0279_D01_9947A_Control.		30	208.53	1801	5017
B,5	0279_D01_9947A_Control.		10	272.03	829	5962
B,6	0279_D01_9947A_Control.		11	276.06	981	6022
B,7	0279_D01_9947A_Control.	fsa CSF1PO	10	320.92	925	6688
B,8	0279 D01 9947A Control.	fsa		324.89	59	6747
B,9	0279 D01 9947A Control.		12	328.91	894	6807
G,1	0279_D01_9947A_Control.			116.04	72	3666
G,2	0279 D01 9947A Control.		14	119.99	1218	3726
G,3	0279 D01 9947A Control.		15	123.98	1180	3786
G,4	0279_D01_9947A_Control.		8	179.38	1347	4578
G,5	0279_D01_9947A_Control.		9.3	186.38	1448	4683
G,6	0279_D01_9947A_Control.		9.3	225.26	91	
G,7			44			5266
	0279_D01_9947A_Control.		11	229.22	2238	5325
G,8	0279_D01_9947A_Control.			272.97	71	5976
G,9	0279_D01_9947A_Control.		11	277.0	1160	6036
G,10	0279_D01_9947A_Control.		12	281.04	1321	6096
G,11	0279_D01_9947A_Control.			319.24	84	6663
G,12	0279_D01_9947A_Control.		19	323.34	1116	6724
G,13	0279_D01_9947A_Control.	fsa		335.4	89	6904
G,14	0279_D01_9947A_Control.		23	339.41	1058	6964
Y,1	0279_D01_9947A_Control.	fsa D19S433	14	121.31	695	3746
Y,2	0279_D01_9947A_Control.		15	125.25	584	3805
Y,3	0279_D01_9947A_Control.			144.38	59	4079
Y,4	0279 D01 9947A Control.		17	179.18	712	4575
Y,5	0279_D01_9947A_Control.		18	183.12	920	4634
Y,6	0279_D01_9947A_Control.		8	230.5	1394	5344
Y,7	0279 D01 9947A Control.		15	295.29	565	6308
Y,8	0279_D01_9947A_Control.		10	307.65	67	6491
Y,9	0279_D01_9947A_Control.		19	311.76	643	6552
R,1	0279_D01_9947A_Control.		X	106.89	1192	3525
R,2			^			
R,3	0279_D01_9947A_Control.		44	147.15	63	4116
Part I	0279_D01_9947A_Control.		11	151.6	1177	4176
R,4	0279_D01_9947A_Control.		20.2	229.15	64	5324
R,5	0279_D01_9947A_Control. 0279_D01_9947A_Control.		23	239.43 243.53	621 622	5477 5538
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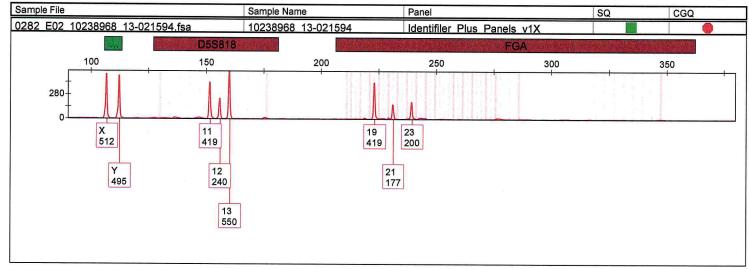






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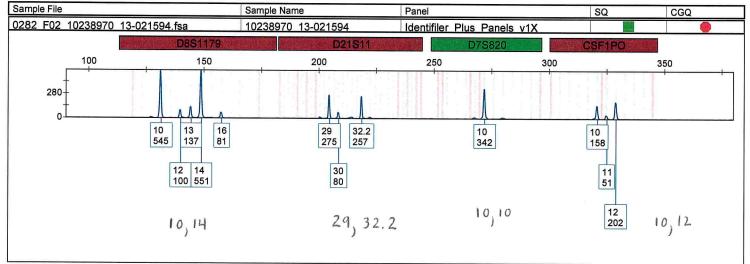
CASE/INC: 13-021594 PAGE 17

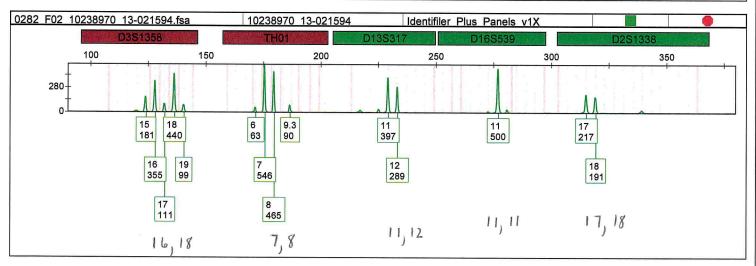
## SDPD PROFILE INTERPRETATION/COMPARISON WORKSHEET

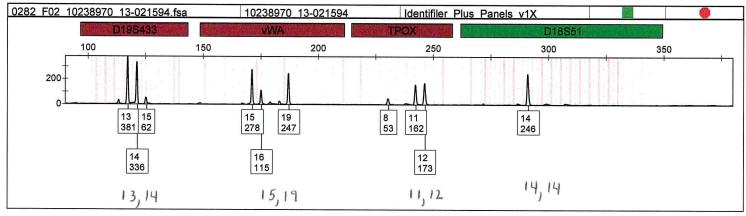
Case #	13-02	1594	Date	8/29/2013		Initials	
Sample ID	1023	8968	_				
Category of Pro	<u>ofile</u>						
Predominan	t Profile	Mixture w/ assum	nption(s)	Mixture w/ no assi	umptions		
Minimum Num	ber of Contribu	itors (if sample	is a mixture or	has a predomir	nant contributo	<u>r)</u>	
Two	✓ Three	☐ Four	Five	Six			
Condition of Pr	ofile (Check all	that apply)					
Inhibited		Degraded (or deg	raded elements)	<b>V</b>	Contributors with	types in the stoch	astic range
✓ Imbalanced	Mixture	Balanced M	lixture	Locus (loci) trigger	ring balance		
				Loci with <1	600rfu present in b	palanced mixture	
<u>Document Relevant Assumptions</u>							
Loci useful for S	Statistical Calcu	lations (Major	Contributors)		☐ All lo	ci 🗌 No	t suitable for comparisons
☑ D8S1179	✓ D21S11	✓ D7S820	CSF1PO	✓ D3S1358	☑ TH01	✓ D13S317	☑ D16S539
☐ D2S1338	✓ D19S433	□ vWA	□ трох	☐ D18S51	✓ D5S818	☐ FGA	
Loci useful for S	Statistical Calcu	lations (Minor	Contributors)	·	☐ All lo	ci 🗸 No	t suitable for comparisons
☐ D8S1179	D21S11			□ D2C42F0			_
		☐ D7S820	CSF1PO	☐ D3S1358	TH01	☐ D13S317	☐ D16S539
D2S1338	☐ D19S433	☐ vWA	□ ТРОХ	☐ D18S51	D5S818	FGA	
Additional Com	<u>iments</u>						,
Reference Sam	ple ID of compa	rison sample	Giacon	no Cargnoni			
Reference sample	is:	Included	Inconclusive	e 🗌	Excluded		
If reference is i	ncluded. Level	of inclusion:					
Matches (sin	gle source)		Predominant Cont	ributor	✓ Major	Contributor	
	DNA Contributor		Minor Contr	ributor			
Reference Sam	ple ID of compa	rison sample					
Reference sample	is:	Included	Inconclusive	<u> </u>	Excluded		
If reference is i	ncluded. Level	of inclusion:					
Matches (sin	gle source)		Predominant Cont	ributor	Major	Contributor	
	DNA Contributor		Minor Contr	ibutor			

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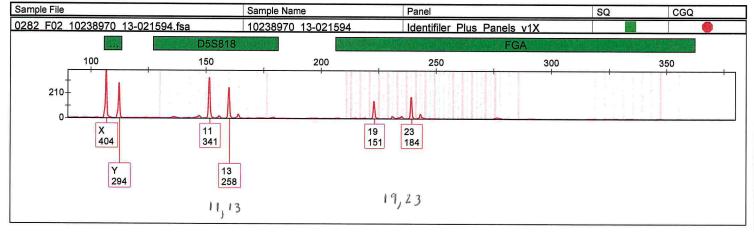




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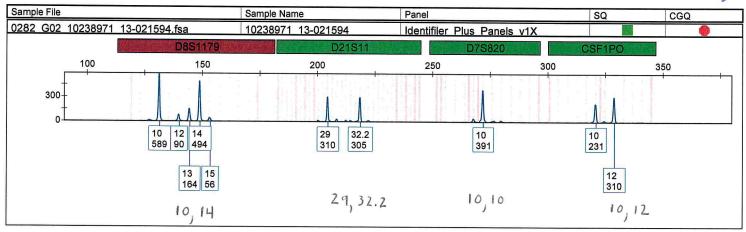


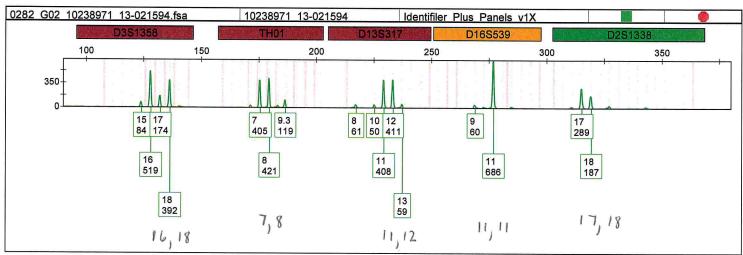
CASE/INC:13-021594 PAGE 20

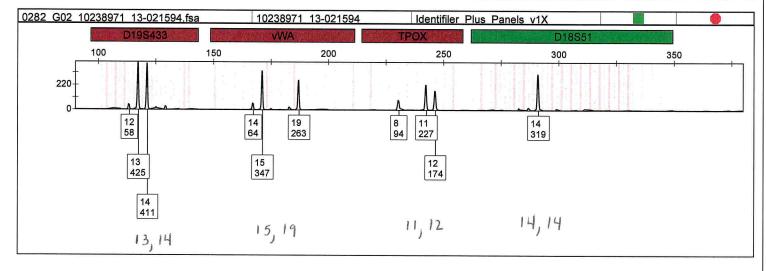
## SDPD PROFILE INTERPRETATION/COMPARISON WORKSHEET

Case #	13-021594	Date	8/29/2013	<u> </u>	Initials	
Sample ID	10238970					
Category of Profile						
✓ Predominant Profile	✓ Mixture w/ a	ssumption(s)	Mixture w/ no assi	umptions		
Minimum Number of Co	ontributors (if san	nple is a mixture o	r has a predomir	nant contributo	<u>r)</u>	
☐ Two ☑ Thr	ee 🗌 Four	☐ Five	Six			
Condition of Profile (Ch	eck all that apply)					
Inhibited	Degraded (or	degraded elements)	<b>V</b>	Contributors with	types in the stocha	astic range
✓ Imbalanced Mixture	Balance	ed Mixture	Locus (loci) trigger	ring balance		
			Loci with <1	600rfu present in l	palanced mixture	
Document Relevant Ass	sumptions					
Assuming a predominant	contributor.					
Loci useful for Statistica	ıl Calculations (Ma	ajor Contributors)		☑ All lo	ci Not	suitable for comparisons
☐ D8S1179 ☐ D2:	1S11 🗌 D7S82	20 CSF1PO	☐ D3S1358	☐ TH01	☐ D13S317	☐ D16S539
☐ D2S1338 ☐ D19	9S433 🗌 vWA	□ ТРОХ	☐ D18S51	☐ D5S818	FGA	
Loci useful for Statistica	ıl Calculations (Mi	nor Contributors)		☐ All lo	ci 🗸 Not	suitable for comparisons
☐ D8S1179 ☐ D2:	1S11 🔲 D7S82	20	☐ D3S1358	☐ TH01	☐ D13S317	☐ D16S539
☐ D2S1338 ☐ D19	9S433 🗌 vWA	□ ТРОХ	☐ D18S51	☐ D5S818	☐ FGA	
Additional Comments						
Reference Sample ID of	comparison sam	ole Giaco	mo Cargnoni			
Reference sample is:	✓ Included	Inconclusiv	re	Excluded		
If reference is included.	Level of inclusion	<u>1:</u>				
Matches (single source)		✓ Predominant Cor	ntributor	Major	Contributor	
DNA Contr	ibutor	Minor Con	tributor			
Reference Sample ID of	comparison sam	ole				
Reference sample is:	Included	Inconclusiv	ve	Excluded		
If reference is included.	Level of inclusion	<u>1:</u>				
Matches (single source)		Predominant Cor	ntributor	Major	Contributor	
DNA Contr	ibutor	Minor Con	tributor			

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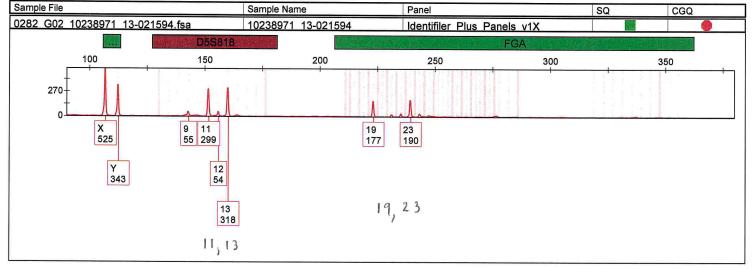




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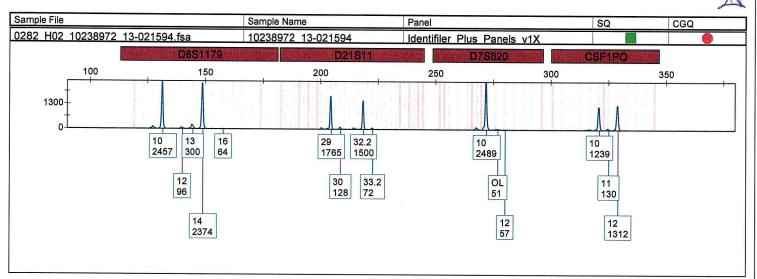


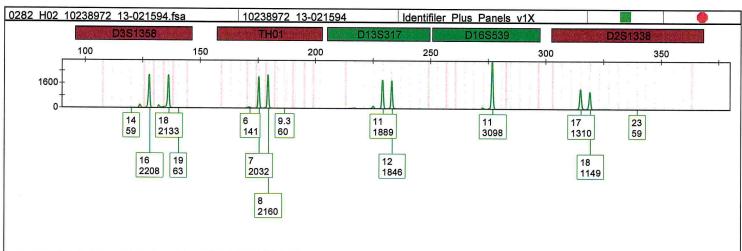


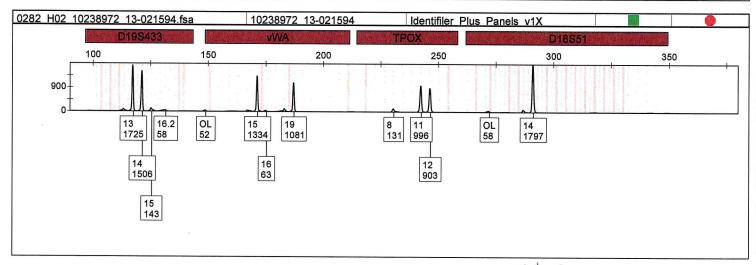
CASE/INC:13-021594 PAGE 23

## SDPD PROFILE INTERPRETATION/COMPARISON WORKSHEET

Case #	13-02	1594	Date	8/29/2013	<b>,</b>	Initials	
Sample ID	1023	8971					
Category of Pro	<u>ofile</u>						
✓ Predominan	t Profile 🗸	Mixture w/ assun	nption(s)	Mixture w/ no ass	umptions		
Minimum Num	ber of Contribu	itors (if sample	is a mixture or	has a predomir	nant contributo	<u>r)</u>	
☐ Two	✓ Three	Four	☐ Five	Six			
Condition of Pr	ofile (Check all	that apply)					
Inhibited		Degraded (or deg	raded elements)	<b>√</b>	Contributors with	types in the stocha	istic range
✓ Imbalanced Mixture ☐ Balanced Mixture Locus (loci) triggering balance							
				Loci with <1	600rfu present in b	palanced mixture	
<u>Document Rele</u>	vant Assumption	<u>ons</u>					
Assuming a predo	ominant contribu	utor.					
Loci useful for S	Statistical Calcu	lations (Major	Contributors)		. ✓ All lo	ci Not	suitable for comparisons
☐ D8S1179	☐ D21S11	☐ D7S820	CSF1PO	☐ D3S1358	☐ TH01	☐ D13S317	☐ D16S539
☐ D2S1338	☐ D19S433	□ vWA	□ ТРОХ	☐ D18S51	☐ D5S818	☐ FGA	
Loci useful for S	Statistical Calcu	lations (Minor	Contributors)		☐ All lo	Ci 🗸 Not	suitable for comparisons
D8S1179	D21S11	☐ D7S820	CSF1PO	☐ D3S1358	TH01	☐ D13S317	☐ D16S539
☐ D2S1338	☐ D19S433	□ vWA	□ ТРОХ	☐ D18S51	☐ D5S818	☐ FGA	
Additional Com	ments						
Reference Sam	ple ID of compa	arison sample	Giacom	no Cargnoni			
Reference sample i		Included	Inconclusive		Excluded		
If reference is in	ncluded. Level	of inclusion:	<del></del>				
Matches (sing	gle source)	<b>✓</b>	Predominant Cont	ributor	Major	Contributor	
	DNA Contributor		Minor Contr	ibutor	•		
Reference Sam	ple ID of compa	arison sample					
Reference sample i	is:	Included	Inconclusive		Excluded		
If reference is in	ncluded. Level	of inclusion:					
Matches (sing	gle source)		Predominant Cont	ributor	Major	Contributor	
	DNA Contributor		Minor Contr	ibutor			





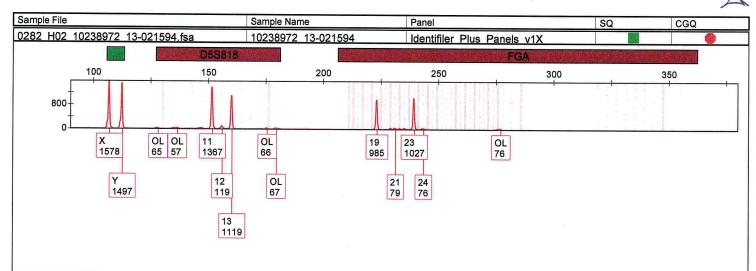


Due to issues related to pull-up, this sample was re-injected after a new spectral was run. See data beginning on pg. 31

Only the 2nd injection will be interpreted.

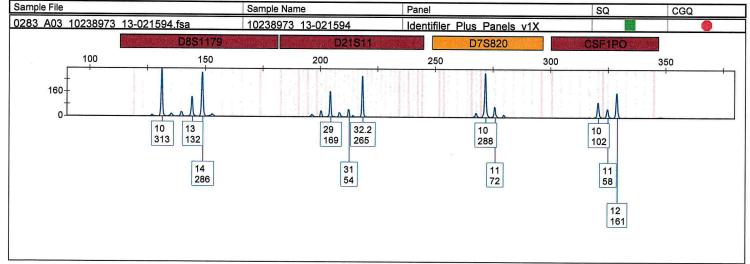
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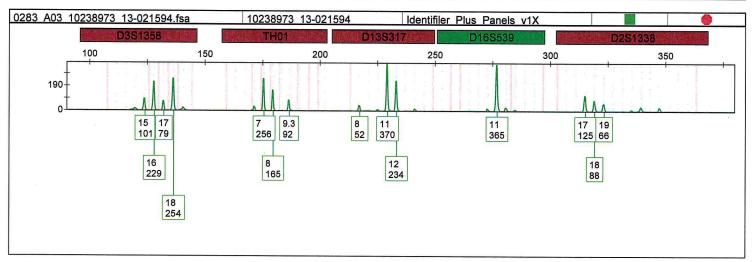


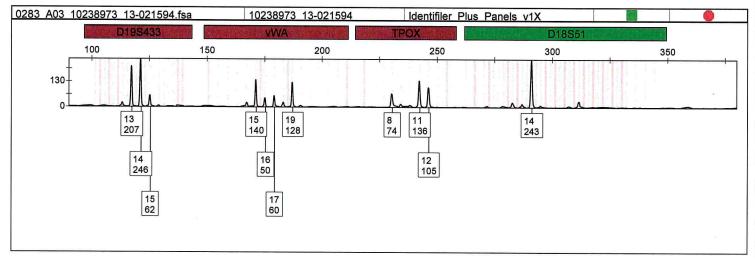


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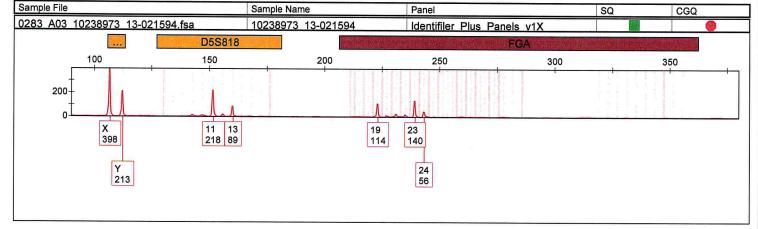






CASE/INC: 13-021594 PAG





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CASE/INC:13-021594 PAGE 28

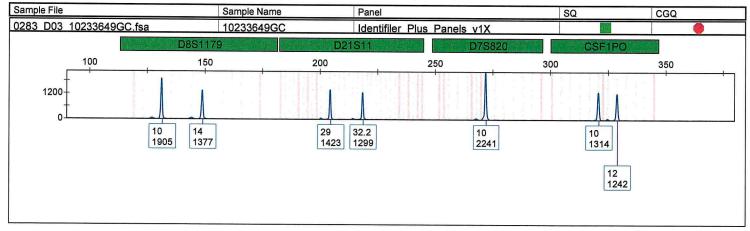
## SDPD PROFILE INTERPRETATION/COMPARISON WORKSHEET

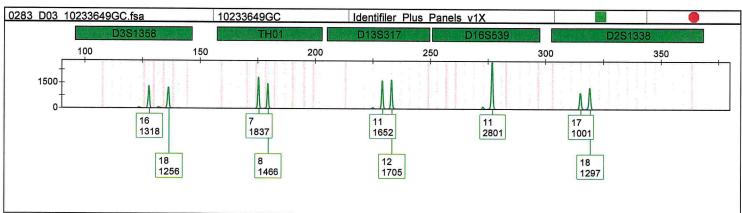
Case #	13-021594	Date	8/29/2013		Initials	
Sample ID	10238973					
Category of Profile						
Predominant Profile	☐ Mixture w/ assu	mption(s)	Mixture w/ no assu	umptions		
Minimum Number of C	Contributors (if sampl	e is a mixture o	r has a predomir	nant contributo	<u>r)</u>	
✓ Two ☐ Th	ree 🗌 Four	Five	Six			
Condition of Profile (Ch	neck all that apply)					•
Inhibited	Degraded (or de	graded elements)	<b>√</b>	Contributors with	types in the stocha	astic range
✓ Imbalanced Mixture	Balanced I	Mixture	Locus (loci) trigger	ing balance		
			Loci with <10	600rfu present in k	palanced mixture	
Document Relevant As	<u>sumptions</u>					
Loci useful for Statistica	al Calculations (Majo	r Contributors)		☐ All lo	ci 🗸 Not	suitable for comparisons
☐ D8S1179 ☐ D2	1S11 🔲 D7S820	CSF1PO	D3S1358	TH01	☐ D13S317	□ D16S539
☐ D2S1338 ☐ D1	9S433 🗌 vWA	□ ТРОХ	☐ D18S51	☐ D5S818	☐ FGA	
Loci useful for Statistica	al Calculations (Mino	r Contributors)		☐ All lo	ci 🗸 Not	suitable for comparisons
☐ D8S1179 ☐ D2	1S11	CSF1PO	☐ D3S1358	TH01	☐ D13S317	☐ D16S539
☐ D2S1338 ☐ D1	9S433 🗌 vWA	□ ТРОХ	☐ D18S51	☐ D5S818	☐ FGA	
Additional Comments						
Reference Sample ID of	f comparison sample					
Reference sample is:	Included	Inconclusiv	e	Excluded		
If reference is included	. Level of inclusion:					
Matches (single source)		Predominant Cor	tributor	Major	Contributor	
DNA Cont	ributor 95/13	Minor Cont	ributor			
Reference Sample ID of	f comparison sample					
Reference sample is:	Included	Inconclusiv	e 🔲	Excluded		
If reference is included	. Level of inclusion:					
Matches (single source)		Predominant Con	tributor	Major	Contributor	
DNA Cont	ributor	Minor Cont	ributor			

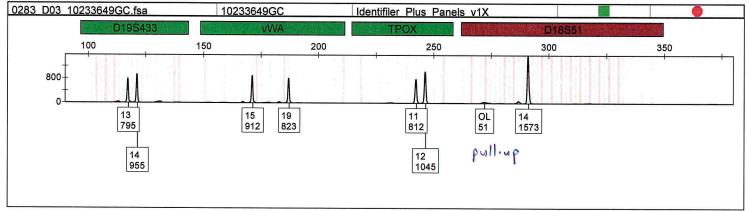
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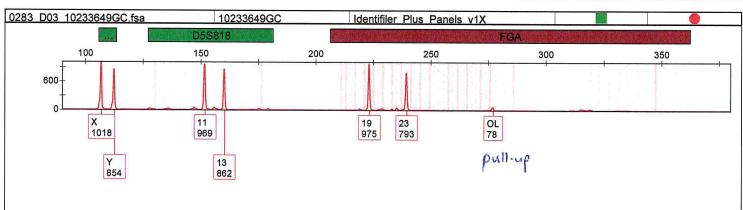
Project: DC\_12-020981etc\_project\_8-24-13











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# SAN DIEGO POLICE DEPARTMENT FORENSIC SCIENCE SECTION

7 Analyst: 6 œ 3130 Sample Setup Sheet 8/27/2013 9 Date: 2 10238972\_13-021594 Formamide\_Blank Formamide\_I SS D 9947A\_Control Case #:

12

			# of samples +	
Reagent	Lot#	(lul) lov	•	Total (µl)
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Int.Std.	1305144	9.0	10	9
Ladder	(DP2-13	2		

3130C	Corbett CAS-1200
Instrument:	Sample setup:

TE\_Amp\_Blan k

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10168844\_12-020981

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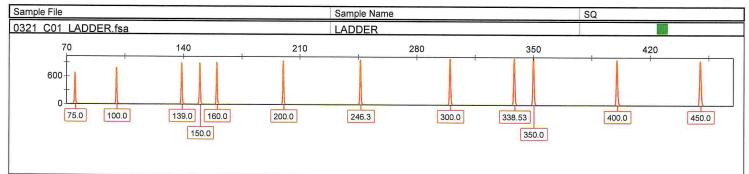
10168861\_12-020981

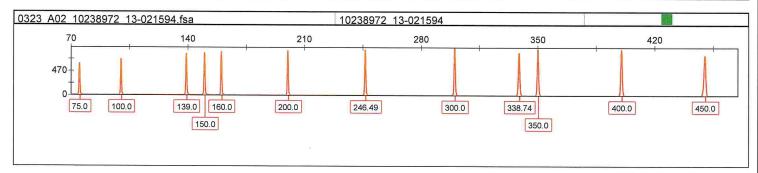
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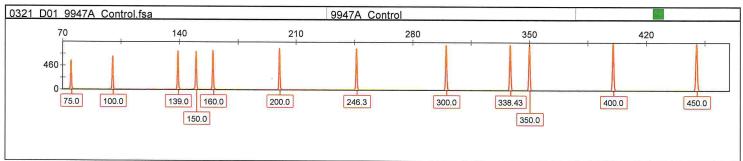


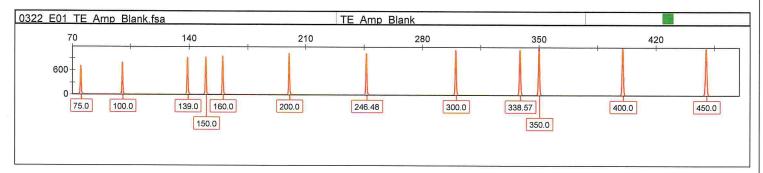
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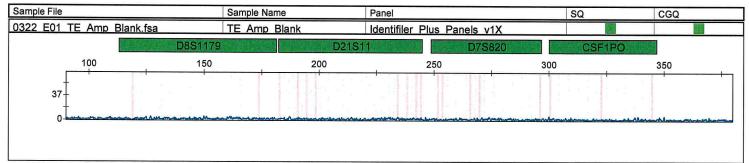


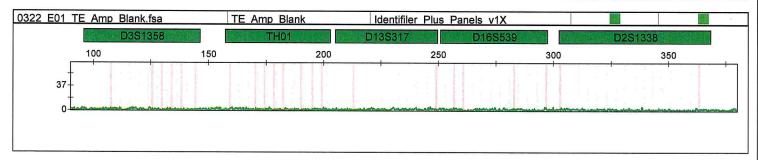


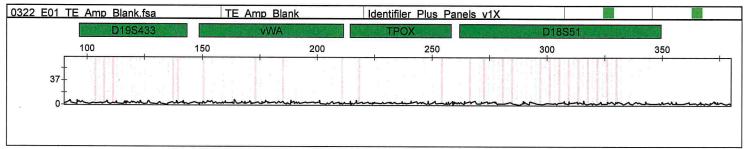


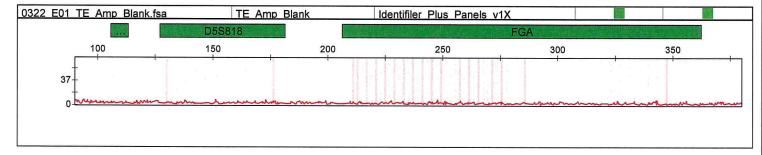
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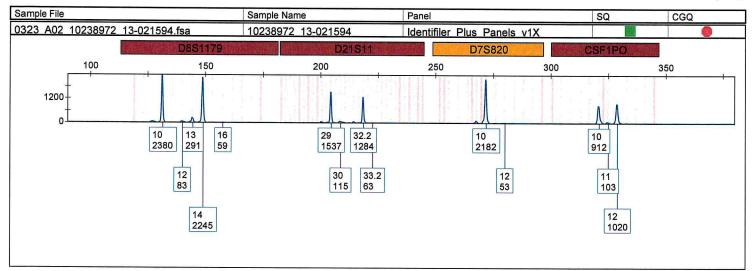


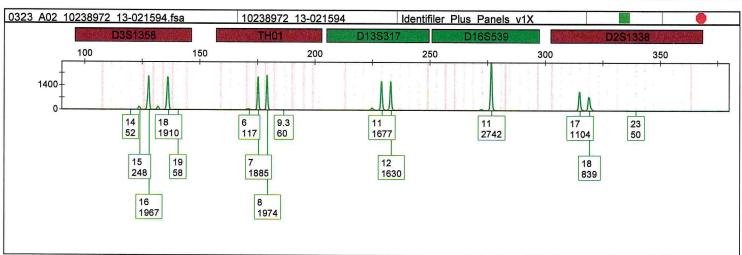


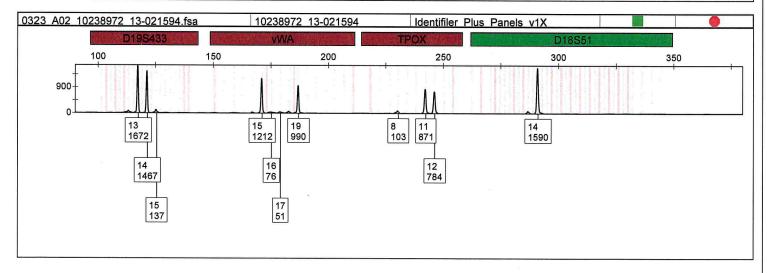








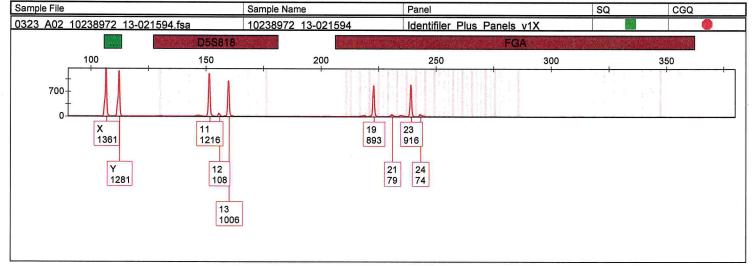




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CASE/INC:13-021594 PAGE 37

# SDPD PROFILE INTERPRETATION/COMPARISON WORKSHEET

Case #	13-02	1594	Date	8/29/2013		Initials	
Sample ID	10238	8972					
Category of Prof		\					
✓ Predominant	Profile V	$\frac{\sqrt{3}}{\sqrt{3}}$ Mixture w/ assum	untion(s)	Mixture w/ no assu	ımntions		
	Tronic .	wintare wy assuri	iption(3)	Winture W/ 110 asse	трионз		
Minimum Numb	er of Contribu	tors (if sample	is a mixture or	has a predomin	ant contributo	<u>r)</u>	
☐ Two [	✓ Three	Four	☐ Five	Six			
Condition of Pro	file (Check all	that apply)					
Inhibited		Degraded (or deg	raded elements)	<b>✓</b>	Contributors with	types in the stoch	astic range
✓ Imbalanced M	lixture	Balanced M	ixture	Locus (loci) trigger	ing balance		
				Loci with <16	500rfu present in b	palanced mixture	
<u>Document Relev</u>	ant Assumptio	ons					
4	A	,					
Asumag /	455uming a	predomin	ent contribu	tor			
	, , , , ,				✓ All lo	oci 🗌 Not	suitable for comparisons
Loci useful for St						- Ц	,
☐ D8S1179	☐ D21S11	☐ D7S820	☐ CSF1PO	☐ D3S1358	TH01	☐ D13S317	☐ D16S539
☐ D2S1338	☐ D19S433	□ vWA	☐ TPOX	☐ D18S51	☐ D5S818	☐ FGA	
Loci useful for St	atistical Calcu	lations (Minor	Contributors)		☐ All lo	ci 🗸 Not	suitable for comparisons
D8S1179	D21S11	☐ D7S820	CSF1PO	D3S1358	TH01	☐ D13S317	☐ D16S539
D2S1338	☐ D19S433	□ vWA	□ ТРОХ	☐ D18S51	☐ D5S818	☐ FGA	
Additional Comn	nents						
Reference Samp	le ID of compa	arison sample	Giacor	no Cargnoni			
Reference sample is:	: 🗸	Included	Inconclusive	e 🔲 !	Excluded		
If reference is in	cluded. Level	of inclusion:					
Matches (single	e source)	✓	Predominant Con	tributor	Major	Contributor	
D	NA Contributor		Minor Cont	ributor			
Reference Samp	le ID of compa	rison sample					
Reference sample is:		Included	Inconclusive	<u> </u>	Excluded		
If reference is in	cluded. Level	of inclusion:					
Matches (single	e source)		Predominant Conf	tributor	Major	Contributor	
D	NA Contributor		Minor Cont	ributor			



## **Statistics Report**

Database: f:\Popstats\POPDATA\FBI\STR Identifiler 042012

NRC 96 Formula uses theta for each STR locus.

Case Type: Forensic Single Sample Specimen ID: 10238972

Specimen ID: 10238972 DNA Analyst: Cornacchia Comment: Case #13-021594 Date: September 03, 2013

Page: 1

	AII	ele +/-		Allele Frequency					
Locus	Allele	Theta	CAU	BLK	SWH				
D8S1179	10	0.01	1.0200E-01	2.5000E-02	9.3600E-02				
D8S1179	14	0.01	2.0150E-01	3.3330E-01	2.4630E-01				
D21S11	29	0.01	1.8110E-01	1.8990E-01	2.0440E-01				
D21S11	32.2	0.01	1.1220E-01	6.9800E-02	1.3550E-01				
D7S820	10	0.01	2.9060E-01	3.2380E-01	3.0620E-01				
CSF1PO	10	0.01	2.5370E-01	2.7140E-01	2.5360E-01				
CSF1PO	12	0.01	3.2510E-01	3.0000E-01	3.9230E-01				
D3S1358	16	0.01	2.3150E-01	3.0710E-01	2.6560E-01				
D3S1358	18	0.01	1.6260E-01	5.4800E-02	8.3700E-02				
TH01	7	0.01	1.7240E-01	4.4050E-01	3.3730E-01				
TH01	8	0.01	1.2560E-01	1.8570E-01	8.1300E-02				
D13S317	11	0.01	3.1890E-01	2.3740E-01	2.0200E-01				
D13S317	12	0.01	3.0870E-01	4.8320E-01	2.1680E-01				
D16S539	11	0.01	2.7230E-01	2.9430E-01	3.1490E-01				
D2S1338	17	0.01	1.9408E-01	1.0180E-01	2.2183E-01				
D2S1338	18	0.01	5.2630E-02	6.5870E-02	4.2250E-02				
D19S433	13	0.01	2.8289E-01	2.9641E-01	1.6197E-01				
D19S433	14	0.01	3.3553E-01	1.9760E-01	3.2042E-01				
vWA	15	0.01	1.1220E-01	2.3610E-01	7.6400E-02				
vWA	19	0.01	8.4200E-02	7.2200E-02	7.1400E-02				
TPOX	11	0.01	2.5370E-01	2.2490E-01	2.7270E-01				
TPOX	12	0.01	3.9400E-02	2.3900E-02	9.3300E-02				
D18S51	14	0.01	1.7350E-01	6.3900E-02	1.7000E-01				
Amelogenin	X	0.01	0	0	0				
Amelogenin	Υ	0.01	0	0	0				
D5S818	11	0.01	4.1030E-01	2.6110E-01	4.2120E-01				
D5S818	13	0.01	1.4620E-01	2.4440E-01	9.6100E-02				
FGA	19	0.01	5.6100E-02	5.2800E-02	7.8800E-02				
FGA	23	0.01	1.5820E-01	1.2500E-01	1.4040E-01				

NRC 96 Formula used

CAU frequency = 1 in 8,726,000,000,000,000,000 BLK frequency = 1 in 255,200,000,000,000,000,000 SWH frequency = 1 in 16,170,000,000,000,000,000

13-021594 : PAGE 39

## SAN DIEGO POLICE DEPARTMENT Forensic Biology Unit

# **CODIS Sample Information Worksheet**

Case # 13-021594	·
Sample Identifier	972
Sample Category	
✓ Forensic, Unknown	Suspect, Known - Name
Other	
DNA Profile:	
D8S1179	D19S43313_14
D21S11 29, 32.2	VWA
D7S82010	TPOX
CSF1PO 10,12	D18S5114
D3S1358/6_18	Amelogenin XY
TH01	D5S818
D13S317 11 12	FGA1923
D16S539	
D2S1338 17 18	
Comments: predom	mant profile (matches Giacomo Cargnoni)
Offense	
Assault (or 664/187)	HomicideOther
Burglary (or other prop. crime) Child Abuse	Robbery Sexual Assault For suspects only:
Cillid Abdae	Sexual Assault For suspects only: Investigative unit
Analyst:	
Date of Analysis:	Reviewer: Q 95 2 (Initials & Date)

State AD



## SAN DIEGO POLICE DEPARTMENT FORENSIC SCIENCE SECTION CRIME SCENE RECONSTRUCTION REPORT



VICTIM:	SDPD Officer Richard BUTERA, ID 7	#5876
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SUSPECT: CARGNONI, Giacomo (Deceased)

CHARGE: O.I.S. Special Investigation / 245(a)(2) PC

CASE #: 13-021594 INCIDENT #: 13060000530

**HOMICIDE TEAM 5:** Sergeant M. Del Toro/Detective C. Leahy

DATE OF INCIDENT:

SCENE LOCATION:

CRIME SCENE SPECIALIST:

June 1, 2013 (Saturday)

100 Sea World Drive

CRIME SCENE SPECIALIST: Jennifer C. Sanders
CRIMINALIST: Eugene LaChimia

See the Firearms Lab Report by Criminalist LaChimia dated June 4, 2013.

#### **BACKGROUND**

On June 1, 2013, at approximately 0940 hours, I was contacted by Sergeant Manny Del Toro and informed of an officer-involved shooting in the area of Sea World Drive and West Mission Bay Drive. I arrived at the scene, 100 Sea World Drive, at approximately 1050 hours.

The following is a synopsis of the briefing information provided by SDPD Sergeant Tagaban:

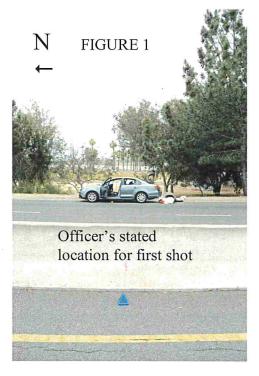
A call came into SDPD that the suspect in this case had threatened with a gun at an address on The suspect left this area in a silver-gray Volkswagen, California license and was pulled over by SDPD at 100 Sea World Drive. The suspect exited the vehicle and began rummaging through the passenger's side of the vehicle, the trunk and again the passenger's side of the vehicle. Officers were shouting commands to the suspect during this time. The suspect then brought up and pointed his hands with what appeared to be a weapon. Officer Butera then fired at the suspect from the other side of the median on Sea World Drive. The suspect went down, rolled and got up again. He again simulated holding a weapon as officers continued shouting commands. Officer Butera fired again, and the suspect went down. His head was to the south and feet to the north. He was transported to the hospital and died. A witness had video recorded this incident on cell phone.

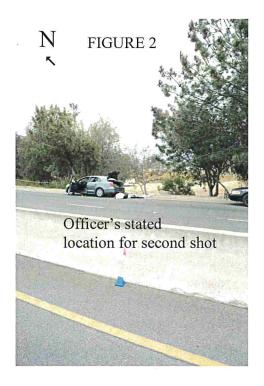
The following information was provided by Officer Butera during his walk-through:

Officer Butera approached the scene in his patrol vehicle from the north. He was positioned and fired to the east at the suspect with his shotgun from the west side of the median wall on Sea World Drive. The suspect was standing just outside of the passenger's side rear door of the vehicle when Butera first fired. He fired through the windows of the rear doors. The officer then moved to the south and again fired at the suspect who was then located slightly to the east and south. The stated locations of the officer and suspect when the shots were fired were noted for each shot. See Figures 1 and 2.

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## CRIME SCENE REPORT Case # 13-021594 Page 2 of 4





## **SCENE DESCRIPTION** See Figure 3

This incident took place on a divided four lane road which runs north-south. The suspect's vehicle was parked next to the curb on the east side of the northbound lanes. Officer Butera's patrol vehicle was parked in the southbound lanes, north of the suspect's vehicle.

#### **OBSERVATIONS**

Two shotshell cases (00 Buck) were located just east of the center wall at 100 Sea World Drive. The suspect's vehicle, a gray Volkswagen Jetta 2.5, California license was parked across the road from the shotshell cases, on the east side of the northbound lanes. A scope cover was located in the southbound lanes just south of Officer Butera's patrol vehicle.

The driver's door, both passenger's side doors, and the trunk of the suspect's vehicle were open. Clothing and other debris were located on the ground at the rear of the vehicle. The driver's side rear door was closed. The glass from the main window of the driver's side rear door was broken out of the frame, but the quarter window of this door was intact. Glass fragments were present both inside and outside the vehicle in this area. A shotshell wad was located on the rear driver's side floorboard. A blue button down shirt hanging on a hanger next to the driver's side rear door window was perforated with multiple apparent missile holes. The window of the passenger's side rear door was mostly down and intact. The quarter window of the passenger side's rear door was shattered, and some of the glass was broken out. An apparent missile strike was located on the edge of the passenger's side rear door interior frame next to the quarter window. Also, an apparent deformed lead pellet was located on the bottom edge of the frame of this quarter window.

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CRIME SCENE REPORT Case # 13-021594 Page 3 of 4

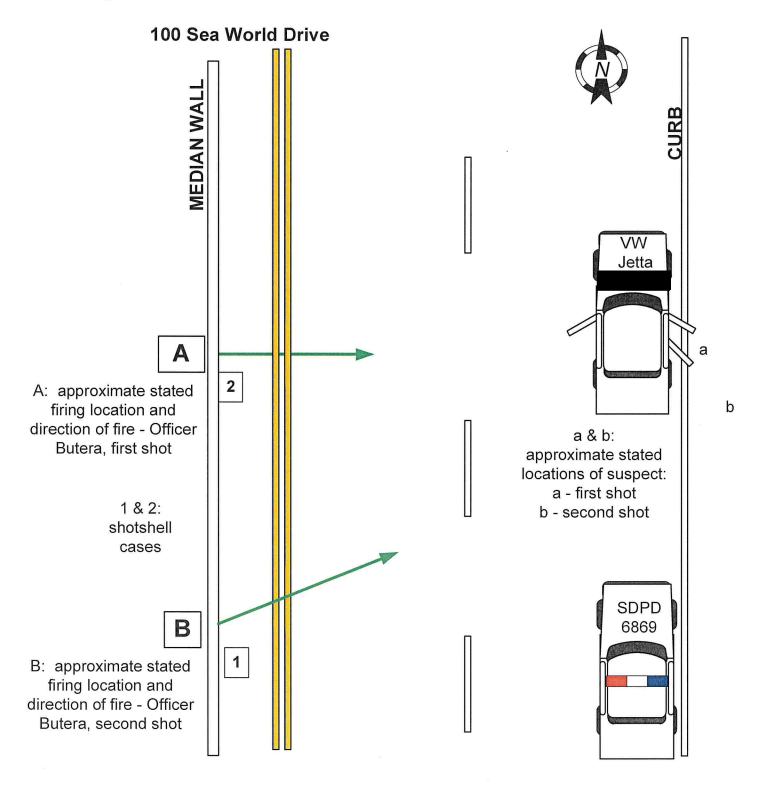


FIGURE 3 (not to scale)

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CRIME SCENE REPORT Case # 13-021594 Page 4 of 4

A black semiautomatic handgun was later found in the trunk of the suspect's vehicle.

Apparent bloodstains with downward direction were located on the ground just east of the rear of the suspect's vehicle. A knife was located to the east of these apparent bloodstains. The approximate location of the suspect when the second shot was fired, according to Officer Butera, was in close proximity to the knife. Apparent transfer bloodstains and a larger apparent blood pool were located to the east and slightly south of the knife.

Examination of Officer Butera's shotgun, a Benelli model M4 with a scope, revealed that Butera fired two shots. For further details, see the Firearms Lab Report, dated June 4, 2013.

#### **AUTOPSY INFORMATION**

The following information was obtained from Crime Scene Specialist Sanders, Sergeant Del Toro and from review of the autopsy photographs. The autopsy was performed by Doctor Morhaime on June 2, 2013. The suspect sustained seven penetrating gunshot wounds and four perforating gunshot wounds which exited the back. The shotgun pellets from the penetrating wounds were collected from the chest (3), back (3) and right arm (1). The spread of the gunshot wounds to the upper chest was approximately seven inches wide and eight inches in length. Pellets had struck the heart and lungs. See the report by Doctor Morhaime for further details.

#### CONCLUSIONS

Based on the evidence from the scene, viewing of the cell phone video, the examination of the officer's shotgun and the autopsy information, the following conclusions can be made:

The evidence indicates that Officer Butera fired his shotgun twice from the vicinity of the median wall in a general easterly direction at the suspect. The pellets from one shot perforated the driver's side rear door window and the blue shirt hanging near the window. The pellets then traveled to the passenger's side rear door and struck the quarter window and the door frame around the quarter window. A number of pellets from this shot likely traveled through the open main window of this door and struck the suspect. The other shot from Officer Butera came from the vicinity of the median wall at a location south of where he fired into the vehicle. It appears that pellets from this shot also impacted the suspect.

The evidence from the scene and Officer Butera's shotgun are consistent with his stated firing locations.

Eugene J. LaChimia, ID# 8757

Criminalist

June 12, 2013

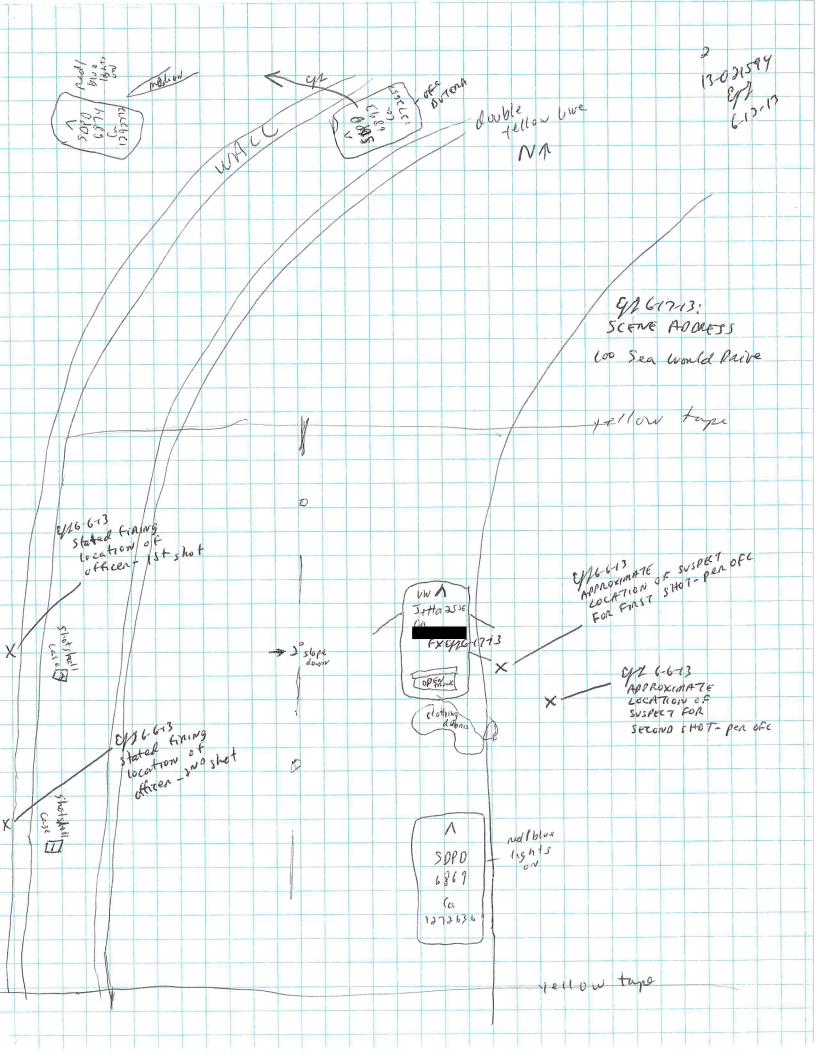
Technical Review: \_\_\_\_\_ Date: (2-13)
Administrative Review: \_\_\_\_\_ Date: (6-12-13)

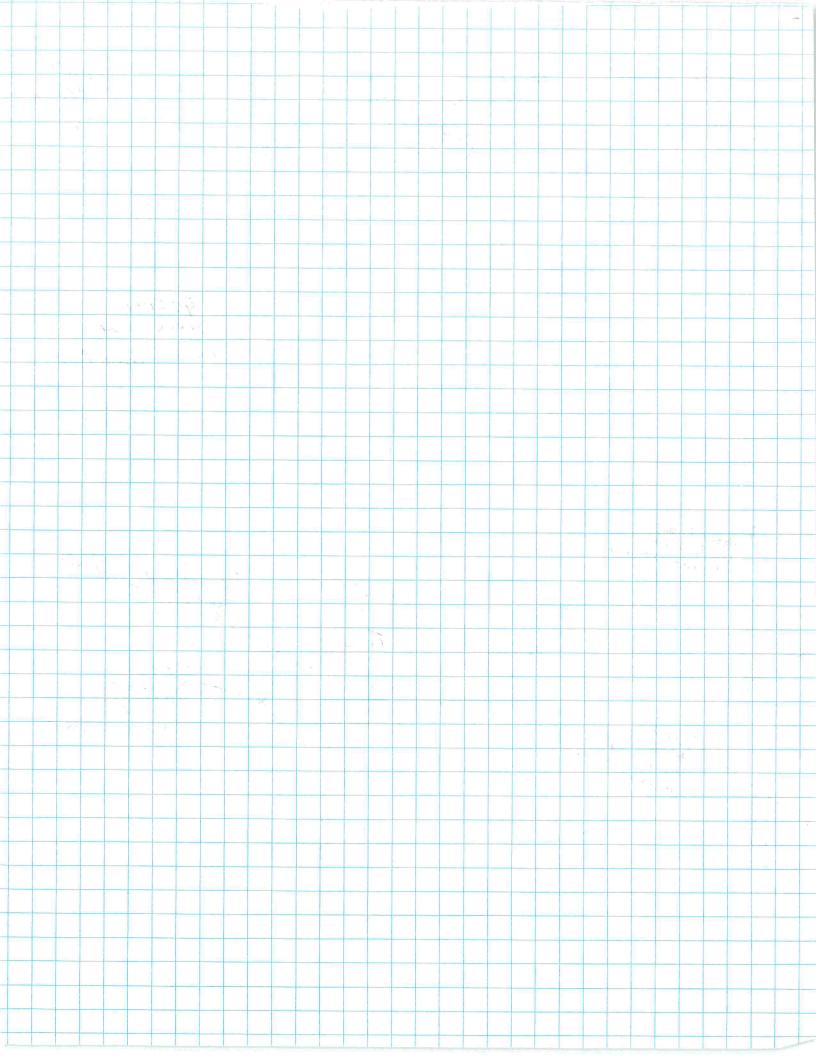
Jech Wield 19 AR Winns Va 130)1594 015 6-1-13 call 5gt Del Tond v9 40 an - told sea would Drive / w. Mission Bay On annove ~ 1050 am 100 Sea would Dave 165teved to Sgt Tagoban bruefing 10613060000530 Case 13-021570 960413 briefing neconding Neighbon Witness called; as 417 wha gow on of 417 on - 201-4-17 Cangon 1 Junes Gracomo 10-491 dead at hospital UCSD 5 10" 16016 on back head s bound feet N bund two shots to torso Plate gray Volk swagen Short stop 100 Sea world Drive

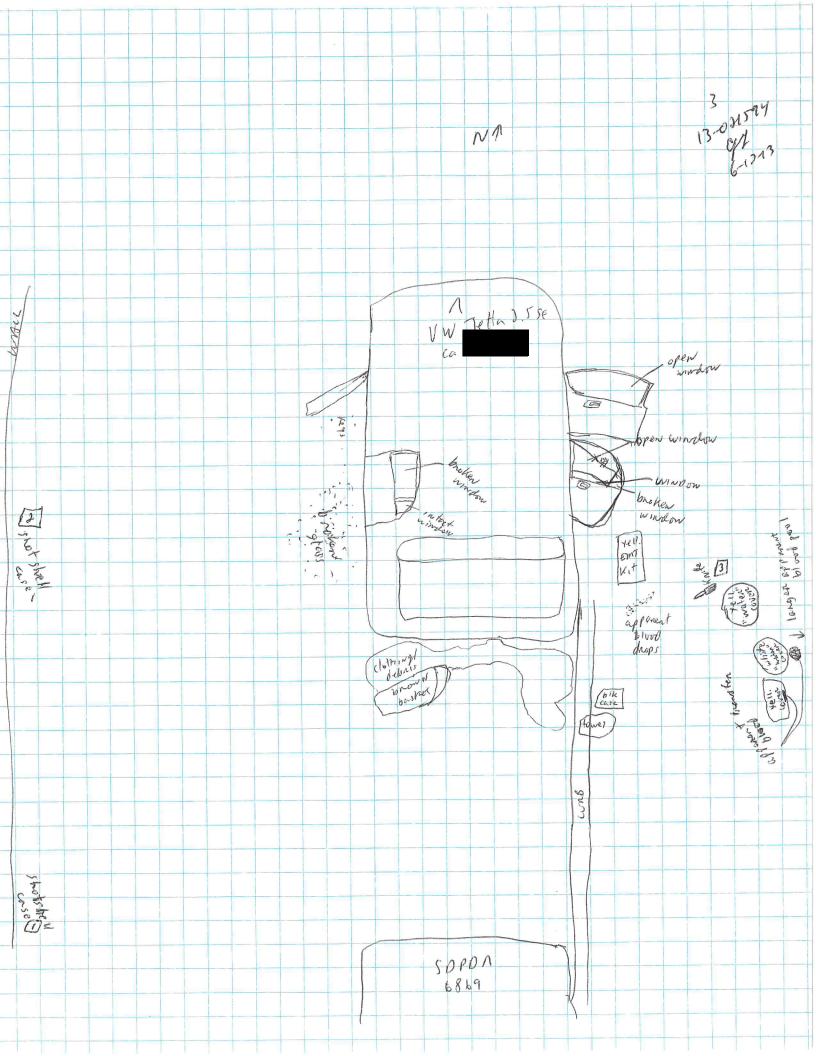
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to townk 4 back to pass side Eps-4-13
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S got up t again simulated holding gow t grang orders of c fixed engain / 5 + had hight over stolen credit could t another witness recorded shooting on cell phone (Girened video on can

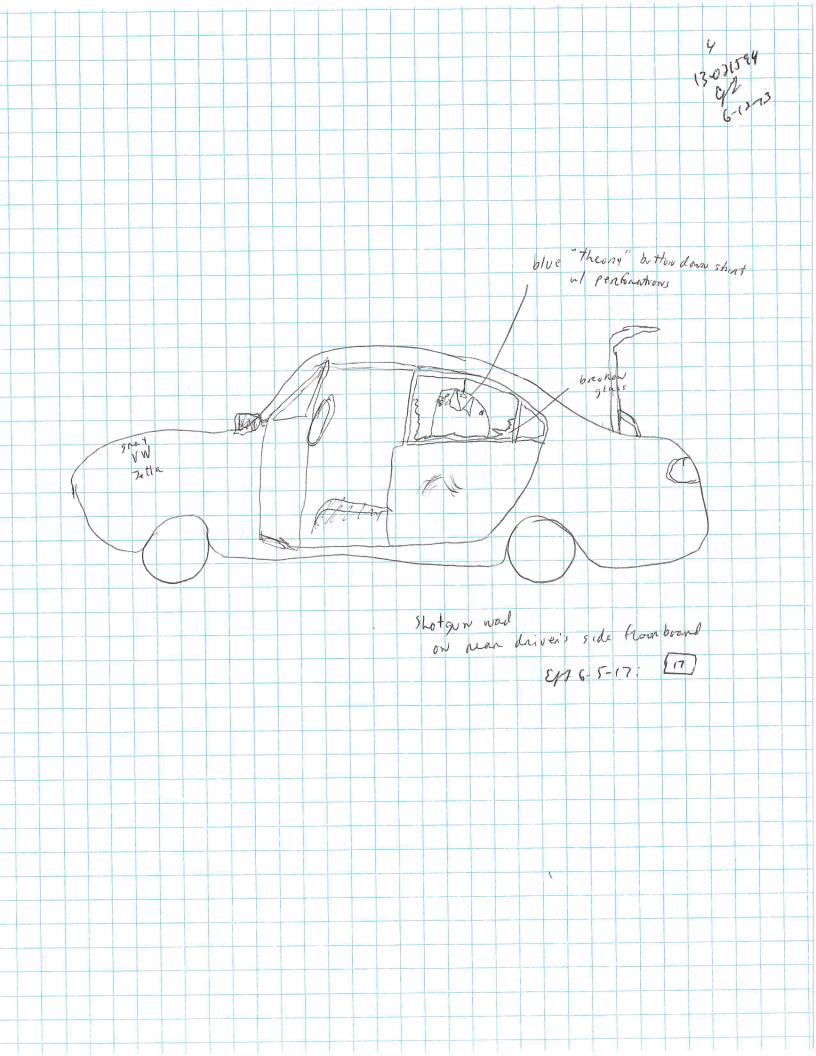
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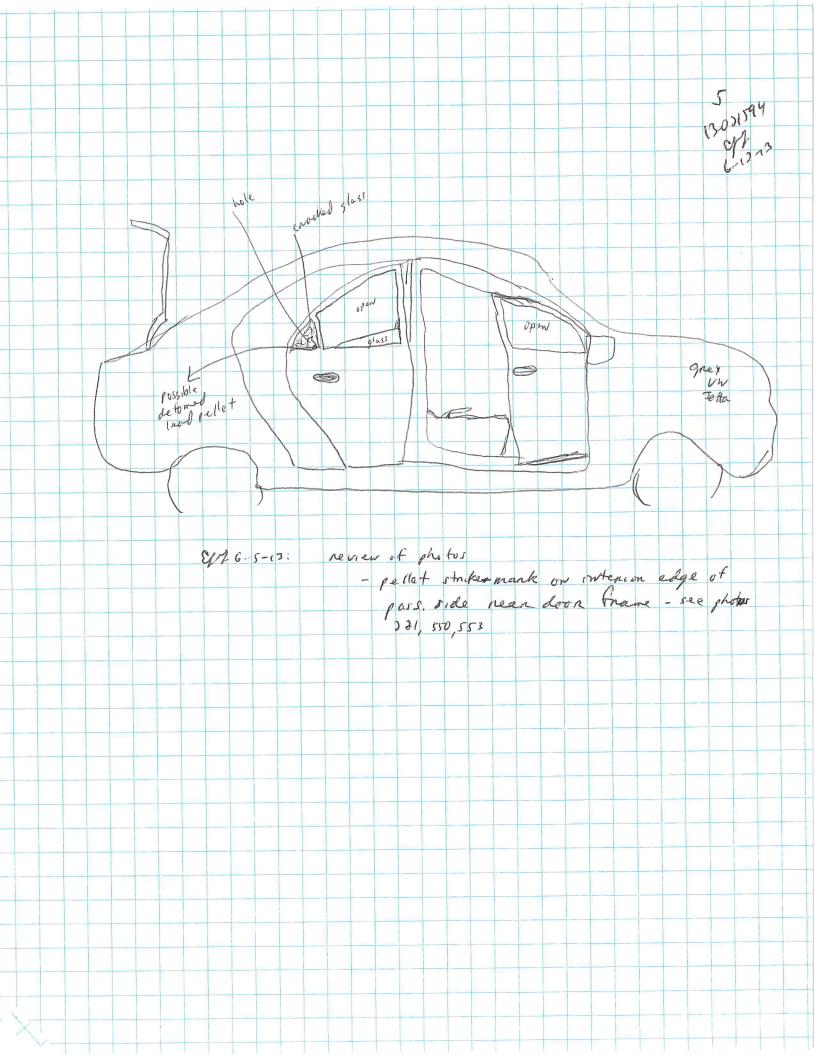




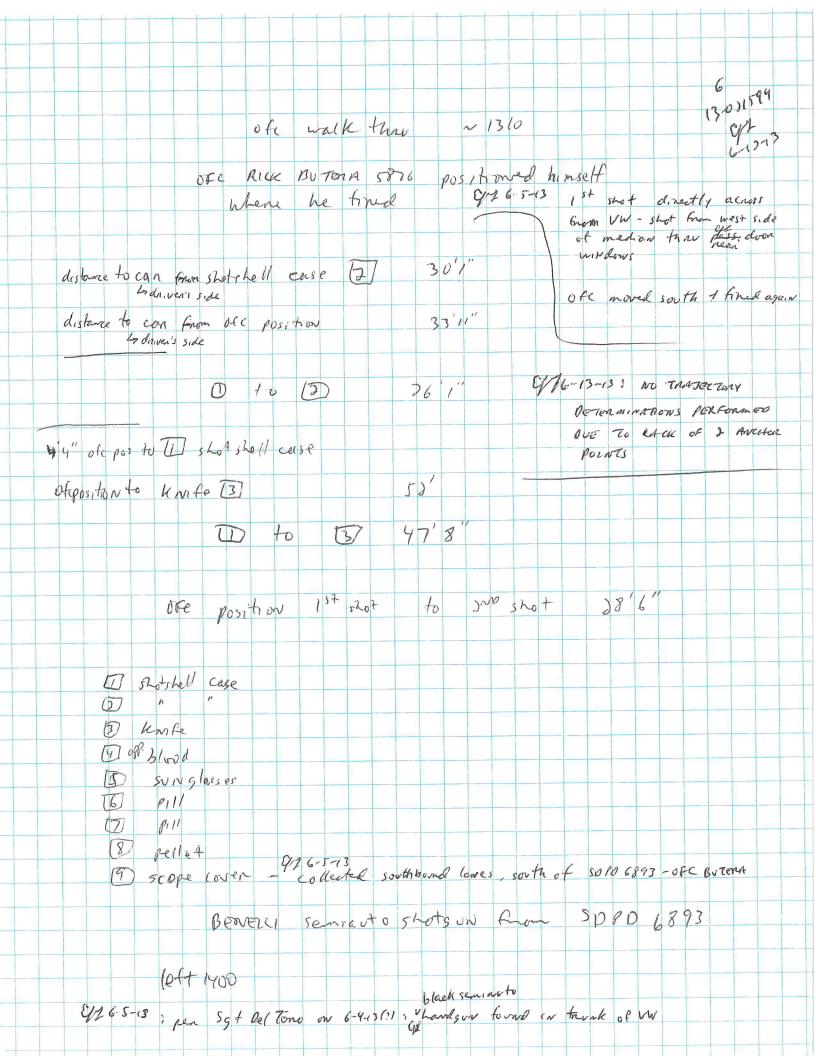
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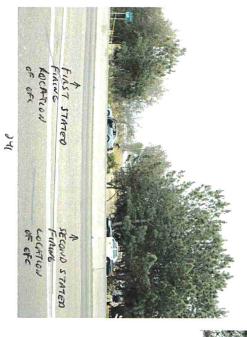
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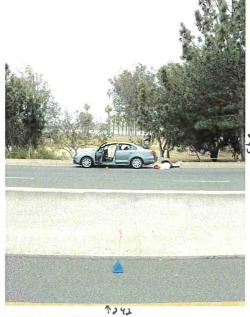
13031594 QM 6-17-13 cy/-Medical Examiner / Autopsy into or Trings Rrom CSS Sanders + Hon Sgt Del Toro on 6-11-13; AUTOPSY performed 6-2-13 by Da Monhaine - is" had 7 penetrating 95 w's and /4 pertonating gsw's which exited the back - the gsw spread to the upper clast was '7" unde + 9" long - I penetrating gow to the right elbow - 3 shot pellets were collected from the chest - 3 shot pelets were collected from the back - ( shot pellet was to llested from the night ann - abraicons were noted on the head face upper shoulders, left beg, leftarm, night beg - pellets struck heart, longs SDPD; 00 BUCK FEDERAL TACTICAL Shotshells,

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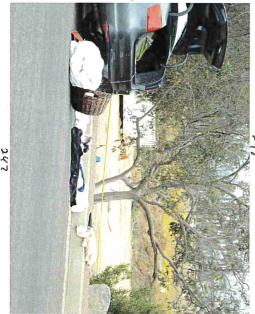
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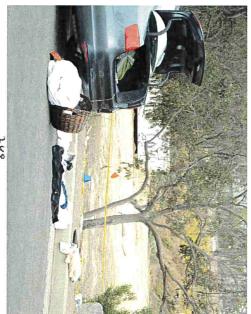




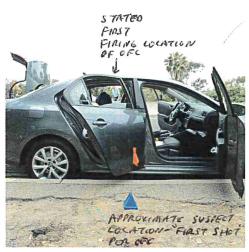






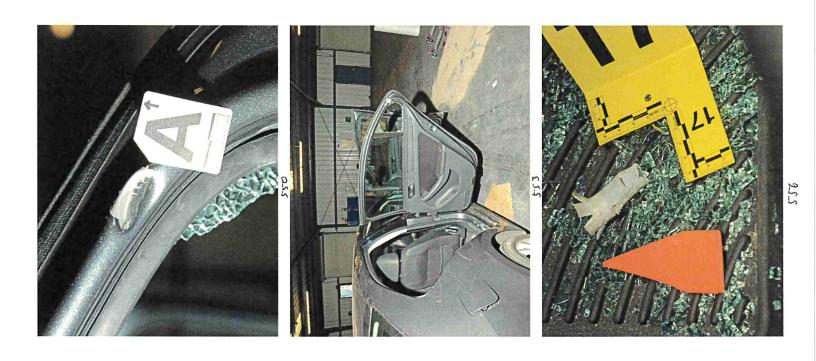








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## **CONCLUSIONS**

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Based on the evidence from the scene, viewing of the cell phone video, the examination of the officer's shotgun and the autopsy information, the following conclusions can be made:

The evidence indicates that Officer Butera fired his shotgun twice from the vicinity of the median wall in a general easterly direction at the suspect. The pellets from one shot perforated the driver's side rear door window and the blue shirt hanging near the window. The pellets then traveled to the passenger's side rear door and struck the quarter window and the door frame around the quarter window. A number of pellets from this shot likely traveled through the open main window of this door and struck the suspect. The other shot from Officer Butera came from the vicinity of the median wall at a location south of where he fired into the vehicle. It appears that pellets from this shot also impacted the suspect.

The evidence from the scene and Officer Butera's shotgun are consistent with his stated firing locations.

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# SAN DIEGO POLICE DEPARTMENT FORENSIC SCIENCE SECTION



# CRIME SCENE UNIT LABORATORY REPORT

VICTIM:

SUSPECT:

CHARGE:

**INCIDENT #:** 

CASE #:

**HOMICIDE TEAM 5:** 

DATE OF INCIDENT:

SCENE LOCATION:

CRIME SCENE SPECIALIST:

**CRIMINALIST:** 

BUTERA, SDPD Officer Richard

CARGNONI, Giacomo

Special Investigation (OIS)/245(a)(2) PC

13060000530

**13-021594**/13-021595

Sergeant M. Del Toro/Detective C. Leahy

June 1, 2013 (Saturday) 100 Sea World Drive

Jennifer C. Sanders

Eugene LaChimia

## CRIME SCENE UNIT REPORT 1

## Scene

I arrived at the scene located at 100 Sea World Drive on June 1, 2013, at approximately 1030 hours. I met Detective Leahy (case agent), ID #5869, the members of Homicide Team 5, Criminalist Eugene LaChimia, ID #8757, and Supervising Crime Scene Specialist Joe Berner, ID #8791, at this location. I took digital images #1 through #297, starting at approximately 1152 hours. I collected items of evidence starting at approximately 1345 hours.

## *Photography*

#1:

View of the "Sunset Cliffs Blvd Bridge" sign.

#2 - #27:

Views of 100 Sea World Drive, facing north.

#28 - #51:

Views of 100 Sea World Drive, facing south.

#52 - #78:

Views of 100 Sea World Drive, facing north.

#79 - #112:

Views of 100 Sea World Drive, facing south.

#113 - #120:

Views of the Toyota Camry with California license plate number

parked on the east side of the northbound lanes, south of the crime scene.

#121 - #137: Views of 100 Sea World Drive, facing west.

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CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 2 of 11

#138 - #157: Views of 100 Sea World Drive, facing east.

#158 - #165: Views of the patrol vehicles parked in the northbound lanes.

#166: View of the suspect's vehicle in relation to the patrol vehicles.

#167 - #168: Views of patrol vehicle 6893<sup>6</sup>.

#169 - #170: Views of patrol vehicle 6874<sup>6</sup>.

#171 - #178: Views of patrol vehicle 6893<sup>6</sup> in relation to the scene.

#179 - #184: Views of the interior of patrol vehicle 6893<sup>6</sup> and the shotgun locked in the rack.

#185 - #202: Views of the exterior of the suspect's vehicle (Volkswagon Jetta with California

license plate number the contents of the trunk and the surrounding

scene.

Photographs #203 through #230 were taken of the suspect's vehicle.

#203 - #204: Views of the broken rear driver-side window.

#205 - #209: Views of the interior of the vehicle.

#210: View of the open passenger-side doors.

#211 - #218: Views of the interior of the vehicle.

#219 - #225: Views of the broken rear passenger-side wing window.

#226 - #230: Views of the broken rear driver-side window and the shirt hanging inside.

#231 - #236: Views of the exterior of patrol vehicle 6893<sup>6</sup> and the trunk contents.

#237 - #241: Views of the approximate locations of Officer Butera (pink flags) and the suspect

(orange flags).

#242 - #248: Views of the line of sight from Officer Butera's approximated locations.

#249 - #253: Views of the line of sight from the suspect's approximated locations.

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CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 3 of 11

#254 - #262: Location views of the evidence items identified by placards 1 through 9.

#263: View of the shot shell case (placard 1).

#264: View of the shot shell case (placard 2).

#265: View of the knife (placard 3).

#266: View of the apparent blood (placard 4), from which a sample was collected.

#267 - #268: Views of the sunglasses (placard 5).

#269: View of the pill (placard 6).

#270: View of the pill (placard 7).

#271: View of the shot pellet (placard 8).

#272: View of the lens cover (placard 9).

#273 - #288: Views of the officer's shotgun and bandoleer, after they were removed from the

patrol vehicle.

#289 - #290: Location views of the evidence items identified by placards 10 and 11.

#291 - #295: Views of the handgun (placard 10).

#296: View of the shirt (placard 11).

#297: View of the street after the suspect's vehicle was towed away.

## Evidence

Placards 1 and 2 were collected from the street along the center median of the northbound lanes.

10233620: One "FEDERAL PREMIUM TACTICAL 9 00 BUCK" shot shell case (placard 1)

with headstamp "12 GA MADE IN USA."

10233621: One "FEDERAL PREMIUM TACTICAL 9 00 BUCK" shot shell case (placard 2)

with headstamp "12 GA MADE IN USA."

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CRIME SCENE UNIT
Crime Scene Unit Report 1
Incident #13060000530
Case #13-021594
June 10, 2013
Page 4 of 11

Placards 3 through 5 were collected from the dirt embankment on the east side of the northbound lanes, east of the suspect's vehicle.

10233622: One "OSBORNE" black handled folding knife (placard 3). The knife was open

when collected.

10233623: One swab of apparent blood (placard 4).

10233625: One pair of black and silver, dirty sunglasses (placard 5).

Placards 6 and 7 were collected from the street, underneath the driver door of the Volkswagon Jetta with California license plate number (suspect's vehicle).

10233626: One white round pill (placard 6) inscribed with a scripted "R" and "35."

10233627: One white round pill (placard 7) inscribed with a scripted "R" and "35."

10233628: One shot pellet (placard 8). This item was collected from the ledge of the rear passenger-side window of the suspect's vehicle.

10233629: One black "AIMPOINT" lens cover (placard 9). This item was collected from the street in the southbound lanes, south of patrol vehicle 6893<sup>6</sup>.

Placards 10 and 11 were collected from inside the Volkswagon Jetta with California license plate number (suspect's vehicle).

10233630: One "IWI DESERT EAGLE PISTOL 9mm" handgun (placard 10) with serial number This item was collected from inside the trunk, after a search was conducted.

10233631: One size "16 32-33 R" blue "theory" long sleeved, button up dress shirt (placard 11) with numerous holes. This item was collected from the hanger, hanging inside the rear driver-side window.

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CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 5 of 11

Officer Involved Weapon

While at the scene, I collected the following item of evidence from the locked rack inside patrol vehicle 6893<sup>6</sup>.

One "BENELLI 12 GA" shotgun with serial number and one bandoleer containing

# Officer Processing

I arrived at the San Diego Police Department Crime Scene Unit Studio on June 1, 2013, at approximately 1520 hours to process Officer Richard Butera, ID #5876. Detective Chris Leahy, ID #5869, and Officer Marciniak, ID #5179, were present during processing. I took digital photographs #298 through #310, starting at approximately 1522 hours. No evidence was collected.

Photography

#298 - #310: Views of the front, left, back and right sides of the officer.

## Autopsy

I arrived at the San Diego County Medical Examiner's Office on June 2, 2013, at approximately 0910 hours to attend the autopsy of suspect Giacomo Cargnoni (ME #13-1284). Detective Chris Leahy, ID #5869, and Detective Gary Gonzales, ID #5328, met me at this location. I took digital photographs #311 through #501, starting at approximately 0938 hours. I collected and/or received items of evidence starting at approximately 0956 hours.

# Photography

#311: View of the red lock and nametag on the suspect's body bag.

#312 - #313: Views of the suspect's body bag.

#314 - #316: Views of the suspect before the head, hand and foot bags were removed.

#317 - #319: Views of the suspect before the medical paraphernalia was removed.

# CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 6 of 11

Photographs #320 through #386 were taken of the suspect in an unclothed and unwashed condition.

#320 - #323: Views of the suspect's hands.
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- #324 #337: Views of the left, right and front sides of the suspect.
- #338 #343: Views of the apparent wounds on the suspect's left leg.
- #344 #347: Views of the apparent wounds on the suspect's left arm.
- #348 #359: Views of the apparent wounds on the suspect's torso.
- #360 #367: Views of the apparent wounds on the suspect's face.
- #368 #370: Views of the bump on the suspect's right arm (apparent shot pellet under the skin).
- #371 #374: Views of the apparent wounds on the suspect's right leg.
- #375 #377: Views of the apparent wounds on the suspect's right arm.
- #378 #382: Views of the back side of the suspect.
- #383 #386: Views of the apparent wounds and bump (apparent shot pellet under the skin) on the suspect's back.

Photographs #387 through #485 were taken of the suspect in an unclothed and washed condition.

- #387 #401: Views of the left, right and front sides of the suspect.
- #402 #405: Views of the suspect's hands.
- #406 #412: Views of the apparent wounds on the suspect's right leg.
- #413 #420: Views of the apparent wounds on the suspect's right hand and arm.
- #421 #424: Views of the apparent wounds on suspect's right hip and side.
- #425 #435: Views of the apparent wounds on the suspect's torso.

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CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 7 of 11

#436 - #437: Views of the apparent wounds on the suspect's right shoulder.

#438 - #450: Views of the apparent wounds on the suspect's neck and face.

#451 - #460: Views of the apparent wounds on the suspect's left shoulder and arm.

#461 - #462: Views of the apparent wounds on the suspect's left side.

#463 - #471: Views of the apparent wounds on the suspect's left leg.

#472 - #475: Views of the back side of the suspect.

#476 - #485: Views of the apparent wounds and bump (apparent shot pellet under the skin) on

the suspect's back.

#486 - #494: Views of the shot pellets removed from the suspect's back.

#495 - #497: Views of the shot pellet removed from the suspect's right arm.

#498 - #500: Views of the shot pellet removed from the suspect's anterior epicardial.

#501: View of the shot pellet removed from the suspect's posterior aorta.

#### Evidence

10233632: One paper bag from the suspect's head.

10233634: One paper bag from the suspect's right hand.

10233635: One paper bag from the suspect's left hand.

10233636: One paper bag from the suspect's right foot.

10233637: One paper bag from the suspect's left foot.

10233638: One pair of size "L" black and yellow "Nike Therma-Fit" dirty athletic pants with

medical intervention cuts.

10233639: One pair of size "M" white and gray "EXPRESS" boxer briefs with apparent

bloodstains and medical intervention cuts.

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CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 8 of 11

I received the following seven items of evidence from Forensic Autopsy Specialist Fabian King.

10233640:	One manila envelope labeled "anterior epicardial," containing one shot pellet.
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10233641:	One manila envelope labeled "posterior aorta," containing one shot pellet.
10233642:	One manila envelope labeled "L back, lower," containing one shot pellet.
10233644:	One manila envelope labeled "R back, mid," containing one shot pellet.
10233646:	One manila envelope labeled "L back, upper," containing one shot pellet.
10233647:	One manila envelope labeled "spinal cord," containing one shot pellet.
10233648:	One manila envelope labeled "R arm," containing one shot pellet.
10233649:	Reference mouth swabs.
10233653:	Fingernail scrapings from the right hand.
10233654:	Fingernail scrapings from the left hand.

I received the following three items of evidence from Forensic Autopsy Specialist Fabian King.

<i>10233656:</i> One rib bone sample	10233656:	One rib	bone	sample	
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10233658: One vial of blood.

10233655:

10233660: One set of inked finger and palm prints.

Plucked head hair.

10233662: One "Reference Bloodstain Card" from the suspect's blood (10233658), prepared in the Crime Scene Unit on June 2, 2013.

CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 9 of 11

# **Vehicle Processing**

I arrived at the San Diego Police Department Aero Drive Impound Garage on June 3, 2013, at approximately 0830 hours to process the gray Volkswagon Jetta with California license plate number Detective Chris Leahy, ID #5869, met me at this location. I took digital photographs #502 through #557, starting at approximately 0841 hours. I collected items of evidence starting at approximately 0900 hours. All items of evidence were collected after a search was conducted.

# Photography

#502 - #506:	Views of the exterior of the vehicle before the paper was removed from the
	broken windows.

#507 - #514: Views of the exterior of the vehicle after the paper was removed from the broken windows.

#515 - #531: Views of the interior of the vehicle and the trunk contents.

#532 - #534: Location views of the evidence items identified by placards 12 and 13.

#535: View of the pills (placard 12).

#536: View of the prescription bottle (placard 13) containing miscellaneous pills.

#537: Location view of the evidence item identified by placard 14.

#538: View of the prescription bottle (placard 14) containing apparent marijuana.

#539 - #540: Views of the suspect's wallet and Driver License.

#541 - #543: Location views of evidence items identified by placards 15 through 18.

#544 - #545: Views of the iPad and contents of the bag (placard 15).

#546 - #549: Views of the holster (placard 16) [including a miscellaneous image]

#550: View of the shotgun wad (placard 17).

#551 - #552: Views of the box containing apparent marijuana (placard 18).

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CRIME SCENE UNIT
Crime Scene Unit Report 1
Incident #13060000530
Case #13-021594
June 10, 2013
Page 10 of 11

#553 - #556: Views of the apparent strike mark labeled "A."

#557: View of the Vehicle Identification Number (VIN).

Evidence

10233666: Six loose white round pills (placard 12) inscribed with a scripted "R" and "35." This item was collected from the driver seat.

One open (no lid) prescription bottle (placard 13) containing twenty-eight oblong white capsules stamped with a scripted "R" "077" and one white round pill inscribed with a scripted "R" and "35." This item was collected from the front passenger-side seat.

10233673: One green prescription bottle (part of placard 14) containing apparent marijuana.

The label is hand printed with "5g Green Crack." This item was collected from the center console.

10233674: Several loose, apparent marijuana leaves (part of placard 14). This item was collected from the center console.

10233676: One green "TUMI" case containing an "iPad" (part of placard 15). This item was collected from the front passenger-side seat.

10233679: This item (part of placard 15) consists of the following:

One baggie of apparent marijuana

One black drawstring bag containing one glass pipe

This item was collected from inside the bag on the front passenger-side seat.

10233681: Two bottles of liquid "Lidocaine 1%" (part of placard 15). This item was collected from inside the bag on the front passenger-side seat.

10233684: One black "Pro Tech Outdoors" holster (placard 16). This item was collected from the rear pocket of the front passenger seat.

10233686: One plastic shotgun wad (placard 17). This item was collected from the rear driver-side floorboard.

10233687: One "Red Hook" box (placard 18) containing loose apparent marijuana. This item was collected from the trunk.

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CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 11 of 11

Discs

10233688: One "Master" DVD containing digital images #1 through #310 (scene and officer

processing).

10233689: One "Working Copy" DVD containing digital images #1 through #310 (scene and

officer processing).

10233690: One "Master" DVD containing digital images #311 through #557 (autopsy and

vehicle processing).

10233691: One "Working Copy" DVD containing digital images #311 through #557 (autopsy

and vehicle processing).

#### DISPOSITION OF EVIDENCE

Each item of evidence was assigned a unique barcode and will be impounded under *Incident* #13060000530. Items will be impounded in the *Headquarters Property Room*, with the following exceptions:

The "Master" and "Working Copy" discs will be impounded in the *Laboratory* files. Additional copies of the "Working Copy" discs were released to Detective Leahy, Homicide Unit.

Officer Butera's shotgun and bandoleer were released to Sergeant Manny Del Toro, Homicide

Unit.

Jennifer C. Sanders, ID #8393 Crime Scene Specialist June 10, 2013

jcs

Technical Review: LMW #8245 Date: 00.10.2013

Administrative Review: 4723 3791 Date: 6.10.2017



### SAN DIEGO POLICE DEPARTMENT FORENSIC SCIENCE SECTION FIREARMS UNIT LABORATORY REPORT



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V/I	ГΤ	NΛ	•

SDPD Officer Richard BUTERA, ID #5876

SUSPECT:

CARGNONI, Giacomo (Deceased)

CHARGE:

O.I.S. Special Investigation / 245(a)(2) PC

CASE #:

13-021594

**INCIDENT #:** 

13060000530

**HOMICIDE TEAM 5:** 

Sergeant M. Del Toro/Detective C. Leahy

DATE OF INCIDENT:

June 1, 2013 (Saturday)

**SCENE LOCATION:** 

100 Sea World Drive

**CRIME SCENE SPECIALIST:** 

Jennifer C. Sanders

CRIMINALIST:

Eugene LaChimia

#### **EVIDENCE EXAMINED:**

One Benelli, model M4, semiautomatic 12 gauge shotgun, serial # and one black bandoleer containing "Federal Premium Tactical" rifled slug shotshells and "Federal Premium Tactical" 00 Buck shotshells, all from Officer Butera

#### **RESULTS AND CONCLUSIONS:**

The Benelli shotgun was received with the hammer cocked, the bolt closed, the manual safety on, a shotshell in the chamber and four shotshells in the tubular magazine. The shotshells in the magazine and chamber, "Federal Premium Tactical" 00 Buck, were consistent with Department ammunition.

This evidence

indicated that two shotshells had been fired from the shotgun. The shotgun was testfired and found to operate normally. Details of all examinations are on file in the laboratory.

#### **DISPOSITION OF EVIDENCE:**

The shotgun and bandoleer were released to Crime Scene Specialist Sanders. The Firearms Processing Packet for the shotgun was entered into the evidence barcode system (Barcode 10233661) and taken to the Property Room.

Eugene J. LaChimia, ID# 8757 Criminalist June 4, 2013

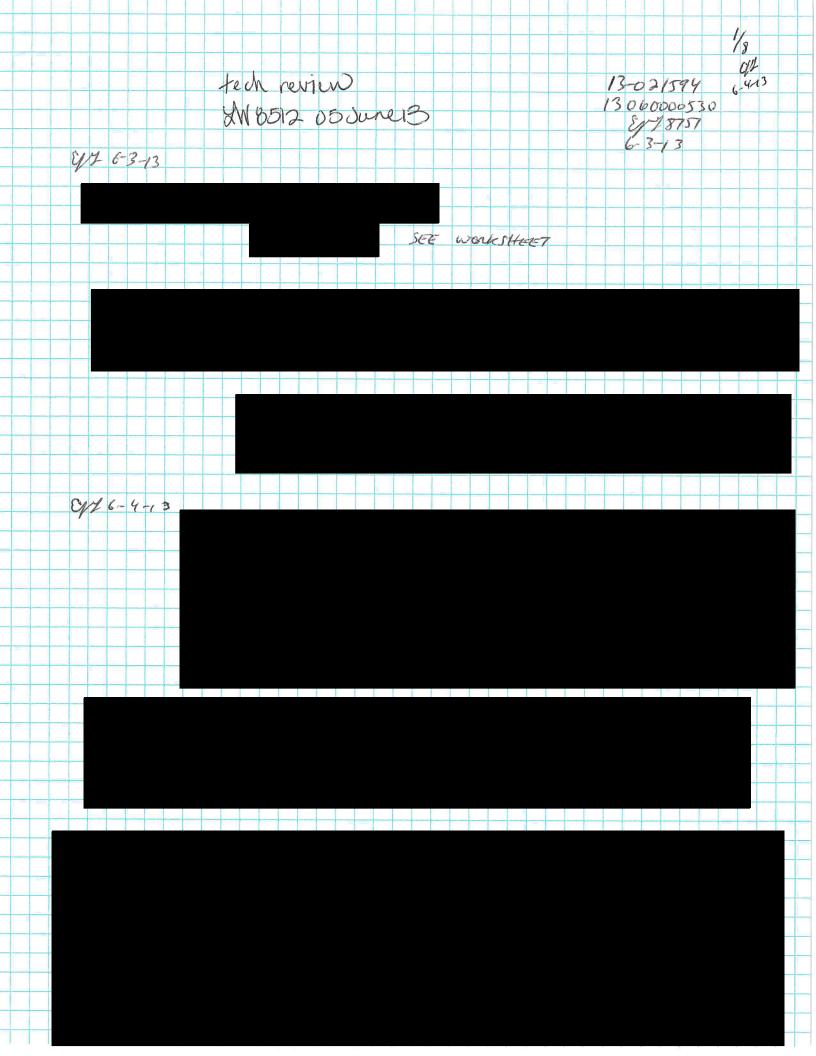
Technical Review:

Date: <u>05 June</u> B

Date: <u>b-6-13</u>

Administrative Review

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## SAN DIEGO POLICE DEPARTMENT FORENSIC SCENE SECTION - FIREARMS UNIT

13-031594 ENV 64-13

FIREARMS WORKSHEET

		MANUS WORK	SHEET		6-4-6
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11 13-021594.JPG 12 13-021594.JPG



Victim(s)

## San Diego Police Department Forensic Science Section



# INTERNAL CHAIN OF CUSTODY

Officer Richard Butera

Suspect(s)	Giacomo Cargoni	
Property Tag # The	# 13060000530 Case # 13.021596	f
Released By: (Name/ID)	Received By LACHMIA	
Sanders	Items Received officer Shotoyun + bar	vololler
8313	Purpose Prozess	Date 6-373 0920
Released By: (Name/ID)	Received By Sandles	id# 8393
LACTIMITY 757	Items Received Shotgun + bandoleer	
	Purpose refun to Officer	
Released By: (Name/ID)	Received By	ID#
	Items Received	
	Purpose	Date
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	Items Received	
	Purpose	Date
Released By: (Name/ID)	Received By	
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Released By: (Name/ID)	Received By	ID#

Copy as needed, original to case file

Date

Items Received

Purpose

Distribution:

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## SAN DIEGO POLICE DEPARTMENT Property Report

Incident Number: 1306000530

Case Number: 13-021594

7 13-031594 C4-13

BarCode	ltem #	Item Type	Description
10233661	33	LABORATORY EVIDENCE	
		FA Proc Pkt for Ofc Buter	a Benelli shotgun SN:
	Suspect:	CARGNONI, Giacomo	DOB:
	3		
	Date Rec	d By: <b>LACHIMIA, EUGE</b> overed: <b>06/04/2013</b> Address / Location: <b>Crime L</b>	
	Impounded	l By: Lachimia, Eugene 🤅	8/4/13 10:29
NOTES: Testfires, m	nag contents.	, chamber contents, bore sw	ab. bandoleer contents

Printed: Tuesday, June 4, 2013 from EvidenceOnQ®


### SAN DIEGO POLICE DEPARTMENT CHAIN OF CUSTODY

INCIDENT #: 1306000530

ITEM #: 33

CASE #: 13-021594

RECOVERED BY: LACHIMIA, EUGENE - 8757

RECOVERY DATE: 06/04/2013

RECOVERY ADDRESS: Crime Lab RECOVERY LOCATION: Firearms

TRANSPORTED BY: -

TRANSPORT DATE:

10233661

LABORATORY EVIDENCE

FA Proc Pkt for Ofc Butera Benelli shotgun SN:

Date/Time Logged in User Item moved to this Location

6/4/2013 10:29:37AM

Lachimia, Eugene

Collected Property

6/4/2013 12:28:59PM

Fasching, Daniel

RECEIVED HEADQU

RECEIVED AT HQ COUNTER - from lab

lachimia #8757

End Chain of Custody for Item with barcode #: 10233661 related to Case # 13-021594

NOTES:

Testfires, mag contents, chamber contents, bore swab, bandoleer contents



## SAN DIEGO POLICE DEPARTMENT FORENSIC SCIENCE SECTION



#### CRIME SCENE UNIT LABORATORY REPORT

VICTIM:

SUSPECT:

**CHARGE:** 

**INCIDENT #:** 

CASE #:

**HOMICIDE TEAM 5:** 

**DATE OF INCIDENT:** 

**SCENE LOCATION:** 

**CRIME SCENE SPECIALIST:** 

**CRIMINALIST:** 

BUTERA, SDPD Officer Richard

CARGNONI, Giacomo

Special Investigation (OIS)/245(a)(2) PC

13060000530

13-021594/13-021595

Sergeant M. Del Toro/Detective C. Leahy

June 1, 2013 (Saturday)

100 Sea World Drive

Jennifer C. Sanders

Eugene LaChimia

**CRIME SCENE UNIT REPORT 1** 

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## ADMIN. DOC.

## OFFICER INVOLVED INCIDENT CHECKLIST

LAST NAME: BUTER FIRST:	RECHARD MIDDLE: THOMAS
Age D.O.B Height 5-6	
Weight SO Hair BRN Eyes #21	
Police ID # 5876 Badge # 4028	
Date of Hire 05-/0-02	
Assignment $(\mathcal{W}-1)$	Primary Weapon
Supervisor NICK BORELLI	Make Caliber
Length of Assignment // VEARS	Serial # Model #
Unit # (02181 Equipment # 6893	Department Personal P
Work Hours 0600-1600 Days Off MTW	Secondary Weapon
Hours of Sleep Prior to Shift 8.5	Make BENELLY M-9 Caliber SHOTGUN
Right/Left Handed	Serial # Model # M-4
	Department Personal Z.
	Department
TT 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
Have you drunk any alcoholic beverages in the last 24	
Hours? If so, Type Quantity	
Quantity	
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	Less Than Lethal Force Used?  OCN (Penner Spray)
	OCN (Pepper Spray) Baton ASP
	OCN (Pepper Spray)  Baton  ASP  Nunchukas  Beanbag
	OCN (Pepper Spray) Baton ASP
	OCN (Pepper Spray)  Baton  ASP  Nunchukas  Beanbag
1401 HRS	OCN (Pepper Spray)  Baton  ASP  Nunchukas  Beanbag
1401 HRS	OCN (Pepper Spray)  Baton  ASP  Nunchukas  Beanbag

Military Rosell's My
Table 1. Technical features of the M1014 Combat Shotgun
(Refer to call-outs in Figure 5)
(cont'd)

#### 13. Safety Button

The safety red zone has been increased in order to permit better visibility. The plates are different in shape to permit tactile identification. The safety button is reversible by a unit armorer for test-handed operators.

#### 14. Shell Release Lever

The shell release lever system allows for the release of a round present in the tubular magazine onto the shell carrier during loading. It is also used to lock the bolt rearward when the weapon is empty.

#### 16. Shell Carrier

The design of the shell carrier has been improved in order to produce better cartridge feeding and chambering.

#### 16. Sling Attachments

Integrated ambidextrous sling attachment points in the stock and in the rear barrel ring allow for the use of U.S. small arms slings.

#### 17. Magazine Cap

An ergonomic magazine cap has been reinforced with a metal insert.

#### 18. Follower

New geometry allows for smooth loading in standard and adverse conditions. The empty magazine may be checked visually (red color) or by touch (mised ring).

#### 19. Magazine Seal Ring

The seal ring holds the compressed magazine spring within the magazine during field stripping. It can be removed, inspected and reinstalled by the operator without special tools when the tubular magazine requires cleaning using only the bott handle.

#### 20. Captured Trigger Bolt Group Locking Pin

The shotgun may be stripped into major sub-assemblies (barrel assembly, bolt, trigger, receiver and stock assemblies) in a faw seconds without the use of any tools and with reduced risk of losing parts. Small components such as the locking pin (receiver) and firing pin (bolt) are protected from loss during disassembly by the retaining systems employed in this design.

#### 21. Bolt release

Positioned for ambidextrous actuation by the operator's non-shooting hand. The bolt release allows the bolt to travel forward during loading.

#### Features include:

- Shoulder-fired with a modular telescoping buttstock with pistol grip.
- The ability to fire 2.75-inch standard and 3.00-inch magnum shells interchangeably.
- A reinforced, heat-treated, steel alloy tubular magazine with the capacity to hold seven 2.75-inch shells.
- A Ghost Ring sighting system and an accessory-mounting rail.
- An improved ARGO (Auto Regulating Gas Operating) system.

Table 2 outlines the physical characteristics of the M1014 Combat Shotgun.

Table 2. Technical data for the M1014 Combat Shotgun

M: I. Fana Rewell M. Y.

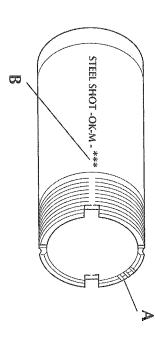
	Military Benedi MY					
Caliber	12-gauge					
Chamber length	3,00°					
Method of operation	Semi-automatic and manual cycling.					
System of operation	ARGO Twin System (Auto-Regulating Gas Operated) with dual gas system.					
Bolt system	Rotating bolt head with dual locking lugs.					
	Ambidextrous cross-bolt safety button.					
Safeties	2. Disconnector, 3. Inertia firing pin drop safety. 4. Bolt group design					
Magazine capacity	18.50" Barrel					
	2.75" shells - 7					
	3.00" shells - 6					
Butt stock	Modular telescopic buttstock with removable pistol grip.					
	Steel parts - heavy phosphate					
External finish	Aluminum parts – hard anodic					
	Durable, corrosion resistant, non-reflective, black in color.					
	Standard 18.60' barrel with fixed modified choke. Barrels exchangeable by					
Barrel options	operator without tools.					
Sights	Mechanical Ghost Ring sights adjustable for elevation and windage.					
Accessory mounting	On receiver to MIL STD 1913 dimensions. With 13 recoil grooves, semi-					
rail	permanently attached to receiver using five mounting screws.					
	Accommodates standard U.S. military rifle sling up to 1.25" width. Ambidextrous					
Sling attachment	attachment points.					
Targeting	Average of 6.4 pellets struck E-type silhouette at 40 meters.					
Safe unloading of	Without cycling rounds through action. Manual removal of loaded shells in					
magazine	magazine through loading port.					
Ambidextrous	Operate by left and right-handed shooters. All operating controls and slin					
operation	attachment points allow for ambidextrous operation.					
Operator	Average time to field strip is under 36 seconds. Average time to clean and lube					
maintenance	less than 10 minutes. Average time to load 11.5 seconds.					
Endurance	Exceeds 10,00 rounds without requiring overhaul.					
Weight (pounds)	8.44 lbs (empty)					
Trigger pull	5.50 - 7.28 lbs					
Overall length						
(inches)	39.8" buttstock extended. 34.9" buttstock collapsed.					
Sight radius	23.70					
Height (inches)	8.26°					
Width (inches)	2.30"					

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Gli strozzatori Benelli sono marcati per una rapida identi-ficazione. Le intacche sulla parte frontale di ogni strozzatore permettono un rapido riconoscimento della strozzatura, anche quando lo strozzatore è montato.



shotgun. recognition, even when the choke tube is installed in the Notches on the muzzle end of each tube allow for quick Benelli choke tubes are marked for easy identification.



INTACCHE

SIMBOLO

© > SYMBOL NOTCHES

Enterting Collection (September 1) (September 1) (September 1)	MECONICAL MECONICAL MICROSOPY	pontancy postancy bootstate breavolet	Monators according	BESSESSEE	Notches
Skeet	Improved Cylinder	Modified	Improved Modified	enospone gonza enospone enospone enospone	STROZZATURA CHOKE
XXXXX	XXXX	XXX	XX	×	SIMBOLO SYMBOL
2	УO	Ж	S	8	PALLINI D'ACCIAIO STEEL SHOT





#### SAN DIEGO POLICE DEPARTMENT FORENSIC SCIENCE SECTION



#### CRIME SCENE UNIT LABORATORY REPORT

VICTIM:

SUSPECT:

**CHARGE:** 

**INCIDENT #:** 

CASE #:

**HOMICIDE TEAM 5:** 

DATE OF INCIDENT:

**SCENE LOCATION: CRIME SCENE SPECIALIST:** 

**CRIMINALIST:** 

BUTERA, SDPD Officer Richard

CARGNONI, Giacomo

Special Investigation (OIS)/245(a)(2) PC

13060000530

**13-021594**/13-021595

Sergeant M. Del Toro/Detective C. Leahy

June 1, 2013 (Saturday) 100 Sea World Drive

Jennifer C. Sanders

Eugene LaChimia

#### **CRIME SCENE UNIT REPORT 1**

#### Scene

I arrived at the scene located at 100 Sea World Drive on June 1, 2013, at approximately 1030 hours. I met Detective Leahy (case agent), ID #5869, the members of Homicide Team 5, Criminalist Eugene LaChimia, ID #8757, and Supervising Crime Scene Specialist Joe Berner, ID #8791, at this location. I took digital images #1 through #297, starting at approximately 1152 hours. I collected items of evidence starting at approximately 1345 hours.

#### Photography

#1:

View of the "Sunset Cliffs Blvd Bridge" sign.

#2 - #27:

Views of 100 Sea World Drive, facing north.

#28 - #51:

Views of 100 Sea World Drive, facing south.

#52 - #78:

Views of 100 Sea World Drive, facing north.

#79 - #112:

Views of 100 Sea World Drive, facing south.

#113 - #120: Views of the Toyota Camry with California license plate number

parked on the east side of the northbound lanes, south of the crime scene.

#121 - #137: Views of 100 Sea World Drive, facing west.

CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 2 of 11

#138 - #157: Views of 100 Sea World Drive, facing east.

#158 - #165: Views of the patrol vehicles parked in the northbound lanes.

#166: View of the suspect's vehicle in relation to the patrol vehicles.

#167 - #168: Views of patrol vehicle 6893<sup>6</sup>.

#169 - #170: Views of patrol vehicle 6874<sup>6</sup>.

#171 - #178: Views of patrol vehicle 6893<sup>6</sup> in relation to the scene.

#179 - #184: Views of the interior of patrol vehicle 6893<sup>6</sup> and the shotgun locked in the rack.

#185 - #202: Views of the exterior of the suspect's vehicle (Volkswagon Jetta with California

license plate number "the surrounding"), the contents of the trunk and the surrounding

scene.

Photographs #203 through #230 were taken of the suspect's vehicle.

#203 - #204: Views of the broken rear driver-side window.

#205 - #209: Views of the interior of the vehicle.

#210: View of the open passenger-side doors.

#211 - #218: Views of the interior of the vehicle.

#219 - #225: Views of the broken rear passenger-side wing window.

#226 - #230: Views of the broken rear driver-side window and the shirt hanging inside.

#231 - #236: Views of the exterior of patrol vehicle 6893<sup>6</sup> and the trunk contents.

#237 - #241: Views of the approximate locations of Officer Butera (pink flags) and the suspect

(orange flags).

#242 - #248: Views of the line of sight from Officer Butera's approximated locations.

#249 - #253: Views of the line of sight from the suspect's approximated locations.

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CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 3 of 11

#254 - #262: Location views of the evidence items identified by placards 1 through 9.

#263: View of the shot shell case (placard 1).

#264: View of the shot shell case (placard 2).

#265: View of the knife (placard 3).

#266: View of the apparent blood (placard 4), from which a sample was collected.

#267 - #268: Views of the sunglasses (placard 5).

#269: View of the pill (placard 6).

#270: View of the pill (placard 7).

#271: View of the shot pellet (placard 8).

#272: View of the lens cover (placard 9).

#273 - #288: Views of the officer's shotgun and bandoleer, after they were removed from the

patrol vehicle.

#289 - #290: Location views of the evidence items identified by placards 10 and 11.

#291 - #295: Views of the handgun (placard 10).

#296: View of the shirt (placard 11).

#297: View of the street after the suspect's vehicle was towed away.

#### Evidence

Placards 1 and 2 were collected from the street along the center median of the northbound lanes.

10233620: One "FEDERAL PREMIUM TACTICAL 9 00 BUCK" shot shell case (placard 1)

with headstamp "12 GA MADE IN USA."

10233621: One "FEDERAL PREMIUM TACTICAL 9 00 BUCK" shot shell case (placard 2)

with headstamp "12 GA MADE IN USA."

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CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 4 of 11

Placards 3 through 5 were collected from the dirt embankment on the east side of the northbound lanes, east of the suspect's vehicle.

10233622: One "OSBORNE" black handled folding knife (placard 3). The knife was open when collected.

10233623: One swab of apparent blood (placard 4).

10233625: One pair of black and silver, dirty sunglasses (placard 5).

Placards 6 and 7 were collected from the street, underneath the driver door of the Volkswagon Jetta with California license plate number (suspect's vehicle).

10233626: One white round pill (placard 6) inscribed with a scripted "R" and "35."

10233627: One white round pill (placard 7) inscribed with a scripted "R" and "35."

10233628: One shot pellet (placard 8). This item was collected from the ledge of the rear passenger-side window of the suspect's vehicle.

10233629: One black "AIMPOINT" lens cover (placard 9). This item was collected from the street in the southbound lanes, south of patrol vehicle 6893<sup>6</sup>.

Placards 10 and 11 were collected from inside the Volkswagon Jetta with California license plate number (suspect's vehicle).

10233630: One "IWI DESERT EAGLE PISTOL 9mm" handgun (placard 10) with serial number This item was collected from inside the trunk, after a search was conducted.

10233631: One size "16 32-33 R" blue "theory" long sleeved, button up dress shirt (placard 11) with numerous holes. This item was collected from the hanger, hanging inside the rear driver-side window.

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CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 5 of 11

Officer Involved Weapon

While at the scene, I collected the following item of evidence from the locked rack inside patrol vehicle 6893<sup>6</sup>.

One "BENELLI 12 GA" shotgun with serial number and one bandoleer containing 18 shotgun cartridges.

#### **Officer Processing**

I arrived at the San Diego Police Department Crime Scene Unit Studio on June 1, 2013, at approximately 1520 hours to process Officer Richard Butera, ID #5876. Detective Chris Leahy, ID #5869, and Officer Marciniak, ID #5179, were present during processing. I took digital photographs #298 through #310, starting at approximately 1522 hours. No evidence was collected.

*Photography* 

#298 - #310: Views of the front, left, back and right sides of the officer.

#### Autopsy

I arrived at the San Diego County Medical Examiner's Office on June 2, 2013, at approximately 0910 hours to attend the autopsy of suspect Giacomo Cargnoni (ME #13-1284). Detective Chris Leahy, ID #5869, and Detective Gary Gonzales, ID #5328, met me at this location. I took digital photographs #311 through #501, starting at approximately 0938 hours. I collected and/or received items of evidence starting at approximately 0956 hours.

#### **Photography**

#311: View of the red lock and nametag on the suspect's body bag.

#312 - #313: Views of the suspect's body bag.

#314 - #316: Views of the suspect before the head, hand and foot bags were removed.

#317 - #319: Views of the suspect before the medical paraphernalia was removed.

**A** • 

#### CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 6 of 11

Photographs #320 through #386 were taken of the suspect in an unclothed and unwashed condition.

#320 - #323: Views of the suspect's hands.
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#324 - #337: Views of the left, right and front sides of the suspect.

#338 - #343: Views of the apparent wounds on the suspect's left leg.

#344 - #347: Views of the apparent wounds on the suspect's left arm.

#348 - #359: Views of the apparent wounds on the suspect's torso.

#360 - #367: Views of the apparent wounds on the suspect's face.

#368 - #370: Views of the bump on the suspect's right arm (apparent shot pellet under the skin).

#371 - #374: Views of the apparent wounds on the suspect's right leg.

#375 - #377: Views of the apparent wounds on the suspect's right arm.

#378 - #382: Views of the back side of the suspect.

#383 - #386: Views of the apparent wounds and bump (apparent shot pellet under the skin) on the suspect's back.

Photographs #387 through #485 were taken of the suspect in an unclothed and washed condition.

#387 - #401: Views of the left, right and front sides of the suspect.

#402 - #405: Views of the suspect's hands.

#406 - #412: Views of the apparent wounds on the suspect's right leg.

#413 - #420: Views of the apparent wounds on the suspect's right hand and arm.

#421 - #424: Views of the apparent wounds on suspect's right hip and side.

#425 - #435: Views of the apparent wounds on the suspect's torso.

**CRIME SCENE UNIT Crime Scene Unit Report 1** Incident #13060000530 Case #13-021594 June 10 2013

June 10, 2013 Page 7 of 11	3				
#436 - #437:	Views of the apparent wounds on the suspect's right shoulder.				
#438 - #450:	Views of the apparent wounds on the suspect's neck and face.				
#451 - #460:	Views of the apparent wounds on the suspect's left shoulder and arm.				
#461 - #462:	Views of the apparent wounds on the suspect's left side.				
#463 - #471:	Views of the apparent wounds on the suspect's left leg.				
#472 - #475:	#472 - #475: Views of the back side of the suspect.  #476 - #485: Views of the apparent wounds and bump (apparent shot pellet under the skin)				
#476 - #485:	Views of the apparent wounds and bump (apparent shot pellet under the skin) on the suspect's back.				
#486 - #494:	Views of the shot pellets removed from the suspect's back.				
#495 - #497:	Views of the shot pellet removed from the suspect's right arm.				
#498 - #500:	Views of the shot pellet removed from the suspect's anterior epicardial.				
#501:	View of the shot pellet removed from the suspect's posterior aorta.				
Evidence					
Evidence					
10233632:	One paper bag from the suspect's head.				
10233634:	One paper bag from the suspect's right hand.				

10233632: One pape	er bag from the suspect's head.

10233634:	One paper bag from	m the suspect's	right hand.
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10233635: One paper bag from the suspect's left hand.

One paper bag from the suspect's right foot. 10233636:

One paper bag from the suspect's left foot. 10233637:

One pair of size "L" black and yellow "Nike Therma-Fit" dirty athletic pants with 10233638: medical intervention cuts.

10233639: One pair of size "M" white and gray "EXPRESS" boxer briefs with apparent bloodstains and medical intervention cuts.

CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 8 of 11

I received the following seven items of evidence from Forensic Autopsy Specialist Fabian King.

10233640:	One manila envelope labeled "anterior epicardial," containing one shot pellet.
10233641:	One manila envelope labeled "posterior aorta," containing one shot pellet.
10233642:	One manila envelope labeled "L back, lower," containing one shot pellet.
10233644:	One manila envelope labeled "R back, mid," containing one shot pellet.
10233646:	One manila envelope labeled "L back, upper," containing one shot pellet.
10233647:	One manila envelope labeled "spinal cord," containing one shot pellet.
10233648:	One manila envelope labeled "R arm," containing one shot pellet.
10233649:	Reference mouth swabs.
10233653:	Fingernail scrapings from the right hand.
10233654:	Fingernail scrapings from the left hand.

I received the following three items of evidence from Forensic Autopsy Specialist Fabian King.

10233658: One vial of blood.

10233655:

10233660: One set of inked finger and palm prints.

Plucked head hair.

10233662: One "Reference Bloodstain Card" from the suspect's blood (10233658), prepared in the Crime Scene Unit on June 2, 2013.

CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 9 of 11

#### **Vehicle Processing**

I arrived at the San Diego Police Department Aero Drive Impound Garage on June 3, 2013, at approximately 0830 hours to process the gray Volkswagon Jetta with California license plate number Detective Chris Leahy, ID #5869, met me at this location. I took digital photographs #502 through #557, starting at approximately 0841 hours. I collected items of evidence starting at approximately 0900 hours. All items of evidence were collected after a search was conducted.

#### *Photography*

#502 - #506:	Views of the exterior of the vehicle before the paper was removed from the
	broken windows.

#507 - #514:	Views of the exterior of the vehicle after the paper was removed from the broken
	windows.

#515 - #531:	Views of the interior o	of the vehicle and	the trunk contents.

#532 - #534: Location views of the evidence items identified by placards 12 and 13.	#532 - #534:	Location views	of the	evidence	items	identified	by	placards	12 and 1	13.
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#535: View of the pills (placard 12).

#536: View of the prescription bottle (placard 13) containing miscellaneous pills.

#537: Location view of the evidence item identified by placard 14.

#538: View of the prescription bottle (placard 14) containing apparent marijuana.

#539 - #540: Views of the suspect's wallet and Driver License.

#541 - #543: Location views of evidence items identified by placards 15 through 18.

#544 - #545: Views of the iPad and contents of the bag (placard 15).

#546 - #549: Views of the holster (placard 16) [including a miscellaneous image]

#550: View of the shotgun wad (placard 17).

#551 - #552: Views of the box containing apparent marijuana (placard 18).

CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 10 of 11

#553 - #556: Views of the apparent strike mark labeled "A."

#557: View of the Vehicle Identification Number (VIN).

#### Evidence

10233666: Six loose white round pills (placard 12) inscribed with a scripted "R" and "35." This item was collected from the driver seat.

One open (no lid) prescription bottle (placard 13) containing twenty-eight oblong white capsules stamped with a scripted "R" "077" and one white round pill inscribed with a scripted "R" and "35." This item was collected from the front passenger-side seat.

10233673: One green prescription bottle (part of placard 14) containing apparent marijuana. The label is hand printed with "5g Green Crack." This item was collected from the center console.

10233674: Several loose, apparent marijuana leaves (part of placard 14). This item was collected from the center console.

10233676: One green "TUMI" case containing an "iPad" (part of placard 15). This item was collected from the front passenger-side seat.

10233679: This item (part of placard 15) consists of the following:

• One baggie of apparent marijuana

• One black drawstring bag containing one glass pipe
This item was collected from inside the bag on the front passenger-side seat.

10233681: Two bottles of liquid "Lidocaine 1%" (part of placard 15). This item was collected from inside the bag on the front passenger-side seat.

10233684: One black "Pro Tech Outdoors" holster (placard 16). This item was collected from the rear pocket of the front passenger seat.

10233686: One plastic shotgun wad (placard 17). This item was collected from the rear driver-side floorboard.

10233687: One "Red Hook" box (placard 18) containing loose apparent marijuana. This item was collected from the trunk.

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CRIME SCENE UNIT Crime Scene Unit Report 1 Incident #13060000530 Case #13-021594 June 10, 2013 Page 11 of 11

Discs

10233688: One "Master" DVD containing digital images #1 through #310 (scene and officer

processing).

10233689: One "Working Copy" DVD containing digital images #1 through #310 (scene and

officer processing).

10233690: One "Master" DVD containing digital images #311 through #557 (autopsy and

vehicle processing).

10233691: One "Working Copy" DVD containing digital images #311 through #557 (autopsy

and vehicle processing).

#### DISPOSITION OF EVIDENCE

Each item of evidence was assigned a unique barcode and will be impounded under *Incident* #13060000530. Items will be impounded in the *Headquarters Property Room*, with the following exceptions:

The "Master" and "Working Copy" discs will be impounded in the *Laboratory* files. Additional copies of the "Working Copy" discs were released to Detective Leahy, Homicide Unit.

Officer Butera's shotgun and bandoleer were released to Sergeant Manny Del Toro, Homicide

Unit

Jennifer C. Sanders, ID #8393 Crime Scene Specialist June 10, 2013

jcs

Technical Review: KMW #8245 Date: 00.10.2013

Administrative Review: 225 \$791 Date: 6.10.2017

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Page | of 10

TR By: Kmw #8245 06.10.13

CSUR!

#### **CRIME SCENE UNIT**

#### STATISTICAL INFORMATION RECORD

Charge:	0.1.5.	Special Inv.
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Case #: 13.021594

Inv. Unit: Homicide Team 5

Sergeant: M. Del Toro

Detective: C. Leany

Incident Date: 6.1.13

Scene: 100 Sea World Pr.

Crime Scene Spec.: J. Sanders

Criminalist: F. Lachimia

Date/Time Called: 61.13 / 0955

Incident #: 1306000530

Supervising Crime Scene Spec. J. Blx Nev

Location		rival & Time	Photog Date &		1	ection & Time
100 500 1110111 70						
100 Sea World Dr.	10-1-13	1030	6.1.13	1152	6.1.13	1345
csu studio	6-1-13	1520	6.1.13	1522	None	
ME's Office	6713	0910	6-2-13	0938	6.2.13	0956
Alro garage	6.3.13	0830	6-3-13	0841	10-3-13	0900
з .						-

Victim
Suspec

**Victim** Suspect

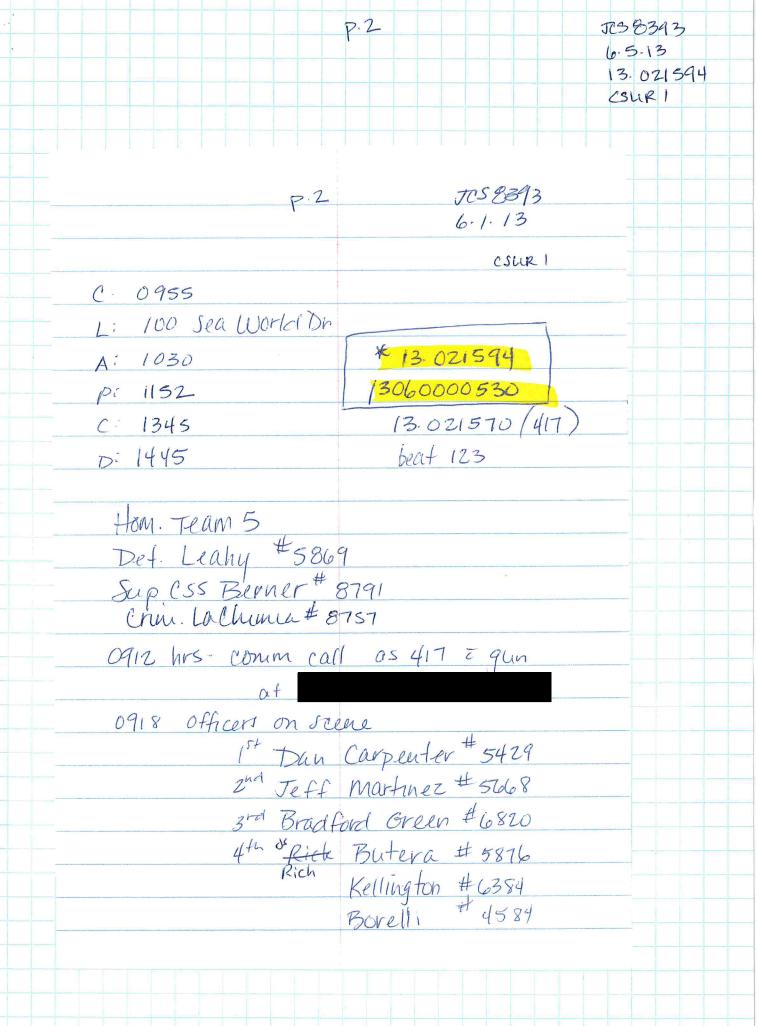
Victim Suspect

Name:

SDPD OFFICER R. BUTEVA GIACOMO Cargnoni

M.E. #:

13.1284



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p.3 JCS 8393 10.5.13 13.021594 CSUR! JCS 8393 13.021594 E. Tagaban # 5794 CSUR 1 - transported to UCSD (s) <u>Cargoni</u> James Giacomo 10-9.91 11-44 at hosp. asw to torso (5) 417'd (v) fled in vehicle gray Volkswagon Jetta Officer's conducted hot stop 100 Sea World Dr. (5) got out of vehicle - went to passinger side-opened door-Went to trunk had something in hourds and simulated shooting at officers

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JCS 8393 P.4 6.5-13 13.021594 CSUR 1 JCS 8393 P4 6.1.13 13.021594 (JUR) Off. Butera fired shotgun once more commands, (s) got up officer shot again Officer walkthru 1310 hrs (Butera) I taped butcher paper to the two broken windows for transport to Aero (suspect vehicle)

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JCS 8393 p.5 6.5.13 13.021594 SUR! JCS 8393 6-1.13 13-021594 CJURI Li esu Studio A: 1520 P' 1522 C: None D: 1525 Officer Processing is Officer Rick Butera # 5876 Richard Det Chris Leahy Off Marciniak #5179 photos only

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JCS 8393 6. 6.13 13.021594 CSUR1

### County of San Diego

GLENN N. WAGNER, D. O. CHIEF MEDICAL EXAMINER

#### OFFICE OF THE MEDICAL EXAMINER

5570 OVERLAND AVE., STE 101, SAN DIEGO, CALIFORNIA 92123-1206 TEL: (858) 694-2895 FAX (858) 495-5956 MS: O10

#### **EVIDENCE TRANSFER FORM**

A MANUEL CONTRACTOR	13-1294
NAME OF DECEDENT: CARGNONII, GIACOMO	ME#
PATHOLOGIST: MORHAIME	
INVESTIGATING AGENCY: 5. D. P. D. #5	
BODY BAG BAGS REMOVED FROM HEAD BAGS REMOVED FROM HANDS BAGS REMOVED FROM FEET HEAD HAIR SAMPLE FACIAL HAIR SAMPLES CHEST HAIR SAMPLES PUBIC HAIR SAMPLE PUBIC HAIR COMBING BLOOD SAMPLE	OTHER (See REMARKS) ANAL SWABS ORAL SWABS URETHRA SWABS VAGINAL SWABS GUNSHOT RESIDUE SWABS FINGERPRINTS PALM PRINTS MISSILES &/OR FRAGMENTS FINGERNAIL CLIPPINGS FINGERNAIL SCRAPINGS
CLOTHING: 1 WHITE BUIEF WNDERWEAR, 1 BLACK	SURAT PAINTS
JEWELRY:	
BONES/TISSUE SPECIMEN: 1 RIB Sample	
REMARKS:	
RELEASED BY FABIAN KING SE (Print Name)	(Signature) (Date)
RECEIVED BY JENNIFER SANDERS 3 DPD (Print Name/Agency)	(Signature) (Date)

	.p. 8		JCS 8393
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Giacomo	James	Cargnoni	

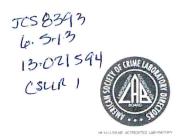
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### San Diego Police Department Forensic Science Section



Page 9

## INTERNAL CHAIN OF CUSTODY

Victim(s) Officer Richard Butera

	Suspect(s)	Giacomo Cargoni	
	Property Tag #	£	
	Released By:		
	(Name/ID)	Received By LACHTMIA	ID#875
gun	Sanders	Items Received officer Shotojun + bar	doller
locker	83/7	Purpose Process	Date 6-3-7-3 0920
	Released By: (Name/ID)	Received By Sandles	ID#_ 8393
in	LACHIMIA 757	Items Received Shotgun + bandoler	
Corr		Purpose return to Officer	
	Released By: (Name/ID)		ID# 4754
formi ade	Souders	Items Received Shotquu + banduleer	
(, 0	8393	Purpose return to Officer	Date_ 6.4.13
	Released By: (Name/ID)	Received By	ID #
		Items Received	
		Purpose	
	Released By: (Name/ID)	Received By	
		Items Received	
		Purpose	
	Released By: (Name/ID)	Received By	
	-25	Items Received	
		Purpose	Date

Copy as needed, original to case file

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#### San Diego Police Department Forensic Science Section

Page \_\_\_\_\_\_\_

# INTERNAL CHAIN OF CUSTODY



Victim(s)	officer Butera			
	¥			
Suspect(s)	Giacomo	Cargnoni		*

Property Tag # 13 06 00 00 0530 Case # 13.021594				
Released By: (Name/ID)	Received By LACHMIA	in .		
Sanders 829 3	Items Received handgun (placard 10			
8343	Purpose unload	Date 6-10-13 1300hrs		
Released By: (Name/ID)	Received By Wudlers	ID#_ \$393		
LACHIMA 8757	Items Received Desent EAGLE PISTOL W/ MAGAZINE BC10233630			
<b>G</b> , :	Purpose IMPOUM d	Date 6'10'13		
Released By: (Name/ID)	Received By			
	Items Received			
	Purpose	Date		
Released By: (Name/ID)	Received By	ID#		
	Items Received			
	Purpose	Date		
Released By: (Name/ID)	Received By			
	Items Received			
-	Purpose	_ Date		
Released By: (Name/ID)	Received By	ID#		
	Items Received			
9	Purpose	_ Date		

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Distribution:

Copy as needed, original to case file



#### SAN DIEGO POLICE DEPARTMENT FORENSIC SCIENCE SECTION

#### CRIME SCENE UNIT LABORATORY REPORT



VICTIM: BUTERA, SDPD Officer Richard

SUSPECT: CARGNONI, Giacomo

CHARGE: Special Investigation (OIS)/245(a)(2) PC

**INCIDENT** #: 13060000530

CASE #: 13-021594/13-021595

**HOMICIDE TEAM 5:** Sergeant M. Del Toro/Detective C. Leahy

DATE OF INCIDENT:

SCENE LOCATION:

CRIME SCENE SPECIALIST:

June 1, 2013 (Saturday)
100 Sea World Drive
Jennifer C. Sanders

CRIMINALIST: Eugene LaChimia

#### **CRIME SCENE UNIT REPORT 2**

#### **Evidence Processing**

I received the evidence items listed below from the Headquarters Property Room on June 17, 2013. I processed these items on June 17, 2013, starting at approximately 1036 hours.

10233622: One "OSBORNE" black handled folding knife.

Techniques: This item was processed using visual examination, cyanoacrylate ester

fuming, black powder and swabbing.

Results:

10238967: One lift of developed prints was collected.

10238968: One swab of possible DNA evidence was collected from the blade of the

knife, after fingerprint processing.

10238970: One swab of possible DNA evidence was collected from the handle of the

knife, after fingerprint processing.

10233630: One "DESERT EAGLE 9mm" handgun with serial number

one magazine.

Techniques: This item was processed using visual examination, cyanoacrylate ester

fuming, black powder and swabbing.

CRIME SCENE UNIT Crime Scene Unit Report 2 Incident #13060000530 Case #13-021594 June 18, 2013 Page 2 of 2

Results:

No latent prints developed.

10238971:

One swab of possible DNA evidence was collected from the textured areas of

the handgun.

10238972:

One swab of possible DNA evidence was collected from the entire surface of

the handgun, after fingerprint processing.

10238973:

One swab of possible DNA evidence was collected from the entire surface of

the magazine, after fingerprint processing.

#### Latent Print Summary

10238967:

One latent print card containing one lift of developed prints.

Discs

10238979:

One "Master" DVD containing ten digital (note page) images.

10238980:

One "Working Copy" DVD containing ten digital (note page) images.

#### DISPOSITION OF EVIDENCE

The processed evidence items and the resulting items, which were each assigned a unique barcode number, were impounded under *Incident #13060000530*. Items were impounded in the *Headquarters Property Room*, with the following exceptions:

The "Master" and "Working Copy" discs were impounded in the Laboratory files.

Jennifer C. Sanders Crime Scene Specialist June 18, 2013

jcs

Technical Review: Knw #8245Date: 06.18.20.3

Administrative Review: 923 8791 Date: 6.19.2013

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		P. 1 of 7	JUN 11	2013
OFFICE USE O	CSUR2	FORENSIC SCIENCE SECTION		CASE PRIORITY
end date: 6.1		San Diego Police	CHAIR ACCHEDITED LABORATORY	
Examiner's Initials: Examiner's ID #:	7CS	Department	□Pre	lim Date:
T(R) Kmw 4820 00.18.20 Date of assignment:	15	LATENT PRINT	□Tria (M	Attorney Information landatory for Prelim or Trial)
# of items processed:	3	DEVELOPMENT	DI	DA:
Developed Latent Prints:	Yes No	WORK REQUEST	Pho	ne:
Today's Date: June 3	10, 2013	KI		
Case <i>and</i> Incident #:	#13-021594 // Inc. #1306	50000530	Charge: 245 P.C.	
Additional Case and/or	Incident #'s: #13-021595	// Inc. #13060000530	Series Re	elated: Yes No No
Victim (s): BUTERA	A, Richard #5876			
Suspect (s): CARGN	ONI, Giacomo DOB: 10/09	9/1991		
Requesting Detective:	Leahy	ID# <u>5869</u>		
Requesting Detective's	Division: Homicide	Mail Station: 713	Phone #:	
Requesting Detective's	E-Mail (Required):			
	INCOMPLETE FOI	R AND DESCRIPTION MUST BE LI RMS WILL BE RETURNED TO THE DDS USED ARE AT THE DISCRETION	REQUESTER	ORY
		events, or circumstances leading		CONTRACTOR OF THE CONTRACTOR O
During a traffic stop by police.	on a 245-gun vehicle, the	e suspect, CARGNONI, threa	itened officers an	d was shot and killed
Barcode / PT #	Item#	Item Description		DNA Requested?
10233622	3	Knife		Yes No 🗌
10233630	10	Gun		Yes No No
				Yes No No
				Yes No No
				Yes No No
Evidence was/will be re Examiner:	leased to the Property Room/I	Narcotics Vault on/after:  Technical Review By:	- Office and the second	Date:
Title: Crime Scene	Specialist	Administrative Review By:		Date:

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	SAN DIEGO PO	LICE – CRIME	SCENE UNIT - EVIDENCE PRO	OCESSING	G REP	ORT
Start	Date: 6.13.13			Incider	nt:#	13060000530
End	Date: 6.17.13			Cas	se:#	13.021594
Exan	niner's Initials & ID: <u>TCS &amp;</u>	393 sur 2	# of item	s Proces	sed:	3
	eloped Latent Prints: Yes					
This	evidence was: 🔘 Rece	eived from th	e Property Room/Narcotics	Vault on	: _	6.17-13
This	evidence was: Pro	cessed prior	to impound.			
Item	(s) received sealed:	Yes [	☑ No □			
Item	(s) sealed by Property Roon	n: Yes [	□ No ⊠			
1	Visual (A=ALS)	7B	Sticky Side Powder (Black)		12A	Scans
2	Liquid Glue	7W	Sticky Side Powder (White)		13	Swab
3	Vacuum Metal Deposition	8	Black Powder		14	Tape Lift (s)
4A	Ninhydrin (Acetone)	. 9	Cyanoacrylate Ester		15	Other Additional Items
4H	Ninhydrin (Heptane)	10	Gentian Violet		16	Other
5	Magnetic Powder	11	Mikrosil			
6	Coomasie Blue	12	Photography			

Qty. = Quantity of latent lifts, photographs/scans and/or additional items.

Α	No Visible Evidence	E	3	Visible Evidence		С	Undetermined (Further Processing Needed)	D	Not Applicable
СО	NTROL (s): (+)	ss .		(-)			7 Technique (s)		
Add	ditional Notes:								

•  Page 3

Examiner's Initials & ID #: \( \frac{TCS \ 8343}{130\( 60000530 \)}

Case #: 13.021594

Date: 6.18.13
Report Type: CSUR 2

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Packaging	0.17.15	maga are
paper bag	1040	

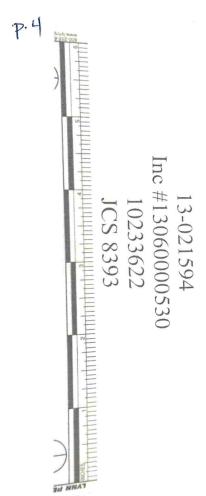
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JCS8393 6-18-13 13-1021594 CJURZ



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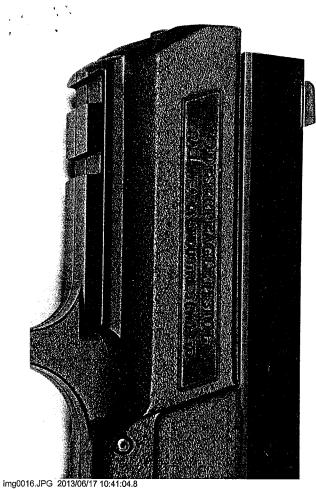
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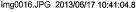
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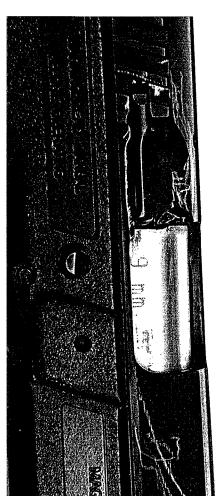




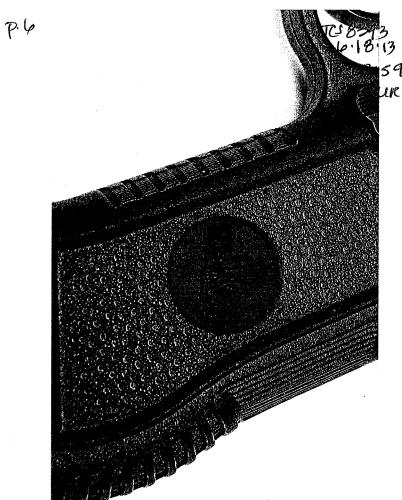
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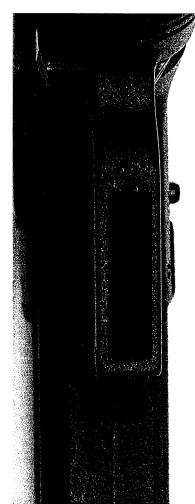




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Img0020.JPG 2013/06/17 10:42:09.2

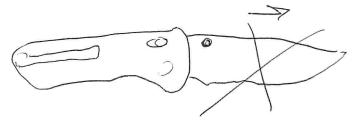
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# **Latent Print Card**

PD-136A-LA (Rev. 01-10) 22038730

BEAT LAG

Case # 13 · 021594
Crime Type 245
Name of Victim Richard Butera
Lifted by Sanders
I.D.# 8393
Date 6.17.(3
Time
De Knife (10233622)
of knife (10233622)
Address
This is # of cards.





#### SAN DIEGO POLICE DEPARTMENT FORENSIC SCIENCE SECTION-FIREARMS UNIT



### UNLOADED FIREARMS REPORT

Barcode #:	10233630	Case #: 13-021594 Inc.# 13060000530
	O.I.S. Special Investigation	
Analyst:	EJL 8757	Date: June 11, 2013
	ception: CSU gun locker on Jur	
	SUBMITTED	
X Pistol (aut	to loading)	Shotgun ف
Revolver ف		Other:
Rifle ڦ		
Make:	IWI	Model: Desert Eagle
Serial Number		Caliber: 9mm
CONDITIO	N OF RECEIVED WEAPON	
HANANED.	N. 11	* C. 1 . 1
HAMMER: STRIKER:N	X Uncocked A ناست	Cocked ثــــ
CHAMBER:		Cocked ثــــ
CYLINDER:	The same of the sa	Empty ث Close ث
SAFETY:	X "On" Position	"Off" Position
SLIDE:	Closed (In Battery) ف	
MAGAZINE		
MAGAZINE	A Scated (III I face)	Conseated (Out of Frace)
Chamber/cyl	inder Contents: One brass "WII	N 9mm LUGER" cartridge
	ontents: Eight brass "WIN 9mn	
ADDITION.	AL COMMENTS The pist	tol was received with the safety on, the hammer
down and the	e slide slightly back. There was	one cartridge in the chamber and eight cartridges in
the inserted r	nagazine. The pistol was unload	
		ms Processing Packet containing the chamber and
magazine con	ntents was created and given bare	code 10236178.
EVIDENCE	DISPOSITION The nist	tol and magazine were released to Crime Scene
		The Firearms Processing Packet, barcode
	as released to the Property Roon	
		,
Analyst:	Eugene J. LaChimia	ID #: _ 8757
2	-	
Title:	Criminalist	Date: <u>June 11, 2013</u>
Tech review		3
Admin nev	1/eu! 6-12-13	

1884 13-0)1594 UNGONO Tech review 12 June 13 13060000530 6/143 6-10-13 C/2 6-10-13 BC 10233630, inventory Hell: UNSI paper bag to my self from CSU gvalocker 4) above returned to CSS J. Sanders \$1610-13 paper bag uli PISTON SEE worksHEET minel bandling ul gloves - worksheet not completely

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# SAN DIEGO POLICE DEPARTMENT FORENSIC SCENE SECTION - FIREARMS UNIT

FIREARMS WORKSHEET

d/8 00570
13060000530
SIA
6-11-13

1N2 -It <del>em</del> #: <u>13060000530</u> Case #	13-021594 Property 1	Fag #: (0 2 3 3 6 3 0
410	18757 Date: 61073	
DES	CRIPTION OF RECEIVED FIRE	ARM
SLIDE: slightly back -on	tot battery	Type: Semiauto fistof
CHAMBER:   brass "WN 900 MANUAL	om LUGER" FIRS cartulge brass primer	Make:   W
SAFETY: OW		Model: Desent Eagle
MAGAZINE: INSENTED		Caliber: 7 mm
HAMMER: down	v/w1"	Serial Number:
Type of Finish: Dwed / block	Stocks/Grips: black plantiz	Location: bottom trugger grand
Condition of Bore: not checked	Odor of Bore:	Barrel Swabbing: Not done
Overall Length: Not Checked	Barrel Length:	Number of Lands: Not Clarked
Magazine Submitted:	3 "WIN Amen LUGEN" cantred Magazine Contents: bruss case, prime	ges-From Twist: Not cleaked
Magazine Capacity: wol Charles	Ejection Pattern: not kaled	
Overall Condition of Gun:	TOD - Some scratches - Righ	it side of slide
FIRING MECHANISM:  ☐ Hammer  ☐ Striker  ☐ Other  ☐ Double Action  ☐ Single Action	TYPE OF SAFETY PRESI  Disconnector "Not checked"  Manual  Manual/Decocker - Not checked  Decocker	ENT: -as derigwed  Grip
TRIGGER PULL: Single Action:	not lested Doubl	e Action: Not lested
TESTFIRES: Not done		
Date: By:	Type:	Number: Number:
Date: By:	Type:	Number:
COMMENTS: (Halos, Blood, Other news warm we completely side frame: BEFORE	er Trace Evidence, Unusual Marks, C S: AEAD MANNAL MAGNUM A WERANNS MPLS MA	Chain of Custody, Etc.)  VES EARCH MADE IN ZSAMEL H3  VSM
rent efflett sule frame: Before left side frame: DESPITE  Left side frame: ISPAE	EABLE PISTOR L WEAPON IMOUSMIES (INI) LT	0

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# San Diego Police Department Forensic Science Section



Page		

# INTERNAL CHAIN OF CUSTODY

Victim(s)	officer Bu	tera	
Suspect(s)	Giacomo	Cargnoni	

Property Tag #	3060000530 Case # 13.021594	
Released By: (Name/ID)	Received By L. ACHIMIA	
Sanders	Items Received Managun Flacard 10	) 10233630
8393	Purpose Uhload	Date 6-10-13 1300hrs
Released By: (Name/ID)	Received By Wullers	ID# 8393
LACHIMIA 8757	Items Received Desent EAGLE PISTOL W/ MA	6AZINE BC10233630
<i>5 v</i>	Purpose IMPOUNA	Date 6"/0"/3
Released By: (Name/ID)	Received By	
	Items Received	•
	Purpose	Date
Released By: (Name/ID)	Received By	•
	Items Received	
	Purpose	Date
Released By: (Name/ID)	Received By	
	Items Received	
	Purpose	Date
Released By: (Name/ID)	Received By	
	Items Received	
	Purpose	Date

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in csu

PD482

Distribution:

Copy as needed, original to case file

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# SAN DIEGO POLICE DEPARTMENT Property Report

Incident Number: 13060000530

Case Number: 13-021594

BarCode	Item #	Item Type	Description	61
10236178	59	LABORATORY EVIDENCE	Description	
		- FA Proc Pkt for Desert Eag	le #10:chamber,mag contents	
	Suspect:	CARGNONI, Giacomo	DOB:	
	Date Rec	d By: <b>LACHIMIA, EUGEN</b> overed: <b>06/11/2013</b> Address / Location: <b>Crime La</b>		

Impounded By: Lachimia, Eugene 6/11/13 11:58

, •

## SAN DIEGO POLICE DEPARTMENT CHAIN OF CUSTODY

6-11-13

INCIDENT #: 13060000530

ITEM #: 59

CASE #: 13-021594

RECOVERED BY: LACHIMIA, EUGENE - 8757

RECOVERY DATE: 06/11/2013

RECOVERY ADDRESS: Crime Lab RECOVERY LOCATION: Firearms

TRANSPORTED BY: -

TRANSPORT DATE:

LABORATORY EVIDENCE

10236178

FA Proc Pkt for Desert Eagle #10:chamber,mag contents

Date/Time

Logged in User

Item moved to this Location

6/11/2013 11:58:42AM

Lachimia, Eugene

Collected Property

6/11/2013 1:24:46PM

Grabbe, Jennifer

RECEIVED HEADQ

Other - New

Lachimia 8757

6/11/2013 1:25:17PM

Grabbe, Jennifer

**HQ Processing Shelf** 

End Chain of Custody for Item with barcode #: 10236178 related to Case # 13-021594

NOTES:		 <u> </u>	

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# San Diego Police Department Forensic Science Section



Page \_\_\_\_\_

# INTERNAL CHAIN OF CUSTODY

suspects gun

Victim(s) Officer Butera

from ois

Suspect(s) Giacomo Cargnon

Property Tag #	13060000530 Case # 13.021	594	
Released By: (Name/ID)	Received By	ID #	
Sanders 8293	Items Received handgun folacat	dio)	10233630
8393	Purpose Lin Load	Date	
Released By: (Name/ID)	Received By	ID #	
	Items Received		
	Purpose	Date	
Released By: (Name/ID)	Received By		
	Items Received		
5	Purpose	Date	
Released By: (Name/ID)	Received By		
	Items Received		
	Purpose	Date	
Released By: (Name/ID)	Received By		
	Items Received		
	Purpose		
Released By: (Name/ID)	Received By		
	Items Received		
	Purpose		

locker

PD482

Distribution:

Copy as needed, original to case file

### SAN DIEGO POLICE DEPARTMENT INVESTIGATOR'S REPORT

DATE (occurrence):

June 1, 2013 (Saturday)

TIME (occurrence):

0922 Hours

**LOCATION:** 

100 Sea World Dr.

SUBJECT:

Inc #13060000530

OIS/Special Investigation – SDPD Case #13-021594

Officer BUTERA, Richard ID #5876, P.O. II.

**245(a)(2) PC, ADW (Gun) – SDPD Case #13-021595** Victim: Officer BUTERA, Richard ID #5876, P.O. II.

Suspect: CARGNONI, Giacomo James, W/M (21), DOB: 10-09-91

**SUBJECT INTERVIEWED:** 

GREEN, Bradford "Brad"

SDPD Officer, ID# 6820

Western Division 1st Watch 0600-1600

## **WITNESS STATEMENT:**

On June 1, 2013, at about 0945 hours, I received a call from Sergeant Manny DEL TORO #4754. Sgt. DEL TORO directed me to respond to the area of Sea World Drive and West Mission Bay Drive to assist in an officer involved shooting incident.

I arrived on scene at about 1020 hours. At 1100 hours, I attended a briefing conducted by Acting Sergeant Esmeralda TAGABAN #5794. The briefing concluded at 1120 hours.

At the conclusion of the briefing I was assigned to assist Detective Chris LEAHY #5869 with the scene investigation. After I concluded my time with Detective LEAHY I went to Western Division to assist with witness officer interviews.

At approximately 1410 hours, I met with Officer Bradford GREEN #6820 in a private office. Officer GREEN essentially told me the following:

I was 614 B today, an Ocean Beach unit. I was on a field interview and a call came out for a 417 PC (threat with a weapon) involving a gun. So I dropped my contact and I started heading over to the area. I was at 3800 Rosecrans when the call came out. I took Pacific Highway and Sea World Drive; it's kind of a quick way to get into Ocean Beach from where I was. Anyways, so as I was going there, 1700 Sunset Cliffs, I don't remember the exact address.

The last thing that I heard on the radio was that the suspect had fled the scene in a gray colored Volkswagen. That was all of the detail that I had. I kind of figured the suspect would not go south, because you don't end up anywhere but Point Loma if you go south. I figured he would go north if he was trying to get out of there. I took Pacific Highway to Sea World thinking I could head him off. Most people head toward the 8 freeway; the

Investigator's Report

Witness: GREEN, Bradford

Case #13-021594 and #13-021595

Page 2

easiest way out. I was on Sea World Drive and Officer Dan CARPENTER put out that he had a possible suspect in the car by Dusty Rhodes Park; which is 2500 Sunset Cliffs. It is also actually before the last light to get onto the 8 east. So I figured he is either going to take the 8 east or Sea World Drive. As I was coming over the bridge on Sea World Drive I saw three police cars with their lights on behind the grey Volkswagen. They were putting out that they were going to try and stop him. I flipped a u-turn and I was the fourth car.

It was Dan CARPENTER, number one; Mike KELLINGTON was number 2; Jeff MARTINEZ was number 3; and then I pulled up and was number four. We were going north on Sea World Drive, over the bridge and leaving Ocean Beach.

As I made my u-turn to catch up to them, Dan put out over the radio that the suspect was yielding. He pulled over, right where the car is right now. So, Dan started the hot stop and Mike KELLINGTON went to the right side with the shotgun. Jeff was behind the car. I went behind the car and since ABLE (police helicopter) was not up, I called it.

I was behind Dan CARPENTER on the driver's side of the car. Mike KELLINGTON was up at the passenger side of the car, up front. Jeff MARTINEZ was behind him. We were all kind of giving him commands. I was putting stuff out on the radio because ABLE was not up to call it. I was in the best spot to kind of see everything.

So from what I remember he threw the keys. I don't remember if he threw the keys out the window first or if he opened the door to get out. Dan CARPENTER was giving him verbal commands to get out of the car and to keep his hands in the air. He opened the car door. I think at that point, the keys fell on the ground or something.

So he starts getting out of the car. He's kind of doing what Dan is telling him to do. Like, 'Keep your hands up' and his hands go up. Dan told him to turn around so we could check to see if he had any weapons. He does a turn and then kind of starts walking. Dan starts directing him towards us. Dan told him to face away, turn his back to us and then walk backwards. He wasn't listening. He was walking forward; towards us. We were like, 'Hey, hey stop, turn around'. So he was semi-compliant. Initially, I put out on the radio that he was being compliant. His compliance lasted about ten seconds. You could see in his eyes he wasn't quite all there. His eyes were wide open and he looked kind of nuts.

We were bringing him back. I remember telling Dan I was behind him and we would cuff him up and then take him back to Mike's car, which was right behind us. So that was the plan and Dan was calling him back. He looked like he was going to go with the program and then he started doing this thing where he would go like that at us (demonstrated holding his palms together as if pointing a gun) but there was nothing in his hands.

He would do that like he was going for something in his waistband but there was obviously nothing there because he was wearing pants and no shirt. Black pants and no shirt, they (pants) were thinner. I didn't see anything coming out of the waistband.

Investigator's Report Witness: GREEN, Bradford

Case #13-021594 and #13-021595

Page 3

I was thinking the guy is trying to "F" with us, for some reason he's playing around. He keeps doing that movement like he was taking a shooting stance with both of his hands together. It was almost like if you would stereotypically say, 'What should I do to get shot by a police officer?' I would say make a movement toward your waist and then put your hands out, like it was stereotypical out of a movie.

He kept doing that. He did it several times. It was obvious every time he did it there was nothing in his hands and I wasn't worried he would be able to get something. I didn't see anything.

(At this point what part of the car is he next to?) He was toward the rear of his car, maybe a couple of feet from the car towards us. He had started moving toward us and then stopped going with the program. He was kind of in that no man's land where we are not going out to get him and he is not going to come to us. Like I said, he does that thing with his hands a bunch of times. Then he, from what I remember, he pops his trunk open and starts throwing things out of the trunk. So he starts throwing like clothes out and stuff. He was kind of rummaging around in there and his hands would disappear into the trunk. Every time he pulls them (hands) out, I'm ready, but there was nothing in his hands.

(What do you mean you're ready?) Honestly if he had pulled out an object I probably would have shot him right there. I didn't have the best view point because I was behind Dan CARPENTER.

(What kind of call were you on again?) The call had come out that he had threatened someone with a gun. So I was worried he was going for some kind of weapon or gun, whatever he had in his trunk. That's what I was thinking. I didn't have the best angle to shoot him because Dan CARPENTER was right in front of me. If I had to, I would have taken a shot.

(Are you guys still giving commands?) Yes, we are clearly yelling; 'You keep doing that and you are going to get shot'; 'If you pull anything out of your trunk you are going to get shot'. I remember telling him, 'I will shoot you if you pull something out of your trunk'. He was frantically doing it, like really fast. His hands would break the plane of the trunk to where I would not see then and then he would pull them out again. There would be nothing in his hands, but he would do the shooting motion again. He was facing us. I was thinking this is getting a little hairy. I don't know if this guy has a gun or doesn't. I didn't know what was going on with this guy but obviously he was high or something. You could just see it in his eyes. We continued to yell at him. At some point he makes his way back into the car which I think is horrible that he was allowed to go back into the car. I kind of kick myself for that.

He dives back into the car from the passenger side. The trunk was open and there was a gap between the trunk and the car, I could see him through the window. I could see stuff flying around in there. I remember telling Dan that if we didn't have a good shot we may want to back up a little bit in case he started popping off rounds. He could see us better Investigator's Report Witness: GREEN, Bradford

Case #13-021594 and #13-021595

Page 4

than we could see him. All we would have to shoot him with was through the gap. He had us in his whole field of view.

He was just tossing stuff. The only thing I am thinking is he is looking for his gun. He couldn't find it in the trunk and now he is in his car looking for his gun and he is going to come out shooting. He was doing that and then he stepped back out. I didn't see anything in his hands but he started doing the shooting motion again. At one point, he actually took a knee behind the car door. It was almost like he was mimicking what we were doing, Dan and Mike were taking a knee behind the car. So he takes a knee and he does the shooting stance thing again from behind the car door. There was nothing in his hands at that point, I couldn't see anything.

(Do you know which door on the passenger's side he was behind?) I can't remember which door; just that he was on the passenger's side. We were yelling at him again, 'get down'. At this point I just want to prone him out on the ground so that we are done, try and delay it until like maybe a canine unit could let the dog loose on him.

Oh I forgot to tell you, when he was digging around, I put out that he was back in his car possibly looking for a gun. I put that out. From what I remember he goes back into the car again and then he gets out again and that is when he is shot. He was shot on the dirt, on the passenger side of the car.

(Were you aware at that time who shot him?) I was aware where the shot came from, but I did not know who the officers was. Yes, I was aware there was an officer on the northwest side, stopped along the other side of traffic. So I knew someone was there, I just didn't know who it was. So he steps away from the car, he was shot like in the stomach. He kind of starts to go down and but then he gets up again. Then he is shot a second time and goes down.

(How did he start to go down?) From what I remember, he kind of took a knee, kind of kneeling down. Then he made another movement and he was shot again.

(Was he standing at the time he was hit with the second shot?) I think he was moving to stand up. Initially he was shot, crouched down a little bit and looked like he was going to take a knee and then he stood up again. Then I heard a second shot.

(At that time did you see anything in his hands?) No I don't remember seeing anything in his hands at that point. So anyways, he's down on the ground and I used to me a medic before this. I went up and I cuffed him up. There was a knife on the ground next to him. We flipped him on his back and he had a sucking chest wound. He had agonol respirations. It's the last breaths you take.

Yeah, me and Officer Ricky RADASA began CPR, tried to patch up his chest wound but all we had was a t-shirt. You kind of need plastic to solve that problem.

Investigator's Report Witness: GREEN, Bradford Case #13-021594 and #13-021595 Page 5

(Did he ever say anything to you?) I don't remember him saying anything. I remember yelling at him, 'Stop or you will be shot'. We all were. Dan initiated the hot stop and was on the driver's side giving most of the commands. When it started to turn south we all kind of started yelling for him to stop.

(Working in Ocean Beach, were you familiar with this guy at all?) No.

At this point I drew a diagram depicting the suspect vehicle and the first patrol vehicle. I asked Officer GREEN to name the other officers and their position and I placed the information on the diagram. I also asked Officer GREEN to identify the approximate location of the shooting officer which he did and I marked the location with an "X".

I asked Officer GREEN if he knew when the shooting officer arrived and he said he did not, but became aware of him in his peripheral vision when the suspect started going to the back of the trunk and then back into the car

I concluded the interview at about 1428 hours. The interview was recorded in its' entirety. Refer to recording for complete details.

Reporting Detective	Jana BEARD		I.D.	4807	Homicide Team:	<u></u>
Approved by:	(DG/11/12	1754	. Date of this report:	06-04-13	Time:	1000

ANALAKATATATA POPULARIO suspect d'els. MATINEZ OFFICEN GREEN \$6820 06-01.3

#### SAN DIEGO POLICE DEPARTMENT INVESTIGATOR'S REPORT

DATE (occurrence):

June 1, 2013 (Saturday)

TIME (occurrence):

0922 Hours

LOCATION:

100 Sea World Dr.

SUBJECT:

Inc #13060000530

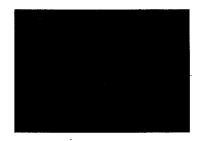
OIS/Special Investigation – SDPD Case #13-021594

Officer BUTERA, Richard ID #5876, P.O. II.

**245(a)(2) PC, ADW (Gun) – SDPD Case #13-021595** Victim: Officer BUTERA, Richard ID #5876, P.O. II.

Suspect: CARGNONI, Giacomo James, W/M (21), DOB: 10-09-91

#### SUBJECT INTERVIEWED:



#### **WITNESS STATEMENT:**

On June 1, 2013, at about 0945 hours, I received a call from Sergeant Manny DELTORO, #4754. Sgt. DELTORO directed me to respond to the area of Sea World Drive and West Mission Bay Drive to assist in an officer involved shooting incident.

I arrived on scene at about 1020 hours. At 1100 hours, I attended a briefing conducted by Acting Sergeant Esmeralda TAGABAN, #5794. The briefing concluded at 1120 hours.

At the conclusion of the briefing I was assigned to assist Detective Chris LEAHY #5869 with the scene investigation. After I concluded my time with Detective LEAHY, I went to Western Division to assist with witness officer interviews. I later returned to the homicide office and was informed by Sgt. DELTORO that a friend of the suspect, wanted to speak with a detective. Sgt. DELTORO spoke with initially and she reported that CARGNONI had taken some of her prescription medication (Klonopin and Restoril). Total told Sgt. DELTORO she was very upset over the incident and was in crisis. Sgt. DELTORO arranged to have an officer check her welfare as well as have a crisis intervention counselor meet with her.

On June 3, 2013, I called the witness and spoke with her briefly over the phone. I arranged to meet with at her home the following day at 1400 hours. I indicated she was feeling better and was enroute to Los Angeles for work via the train.

On June 4, at approximately 1340 hours, I met with who essentially told me the following:

 Investigator's Report Witness: Case #13-021594 and #13-021595 Page 2 I was a Then I got in a really horrible accident and died. I was in a coma for a week. I am still trying to get back on track five years later. while working at a in February 2013. I was trying to test out how well I can work because I just haven't been the same since the coma. She was from the She reminded me of me a little bit when I came out here. We hung out socially a few times and she was living with a girl named and two guys. It became a bad living situation so I took her in around April 2013. came to live here too.

Last month I told my house was not a party house. She left and took her bags to the place in Ocean Beach. This was in May sometime. I had not met Giacomo yet. was staying with a guy named who became violent with her. I think it has to do with all the drugs and alcohol that everyone is on all the time over there.

I met Giacomo two weeks ago. stopped by and he was with her. Nobody has ever had that big an impact on my life that I have known for so little. We hung out. I let them stay here a few nights.

We hung out during the day. I can't drive right now because I have a suspended license. I was recovering from my fifth ankle surgery and I got into an accident. There was hydrocodone in my system because I had been on it for three years.

Giacomo was here for like a four day period.

Giacomo came over Friday night about 10 pm because I guess there was a big blow out at the Ocean Beach place. It did not come with him. Giacomo came over to drop off some of clothes because that taken them. He hung out for a little bit. I think we bonded so quickly because we were both struggling with depression.

I had been through a lot and he had been through a lot too. He told me he was estranged from his parents and he had overdosed on Klonopin before. He said he was from Pittsburgh but I think he was born in Italy. No, he didn't say why he was estranged from his parents.

(Did he tell you if the overdose was intentional or accidental?) I don't know. I think it was one of those I don't care situations.

When he came over that night he asked how my depression was doing. I said it was an okay day. He told me his suicidal thoughts had been really bad today.

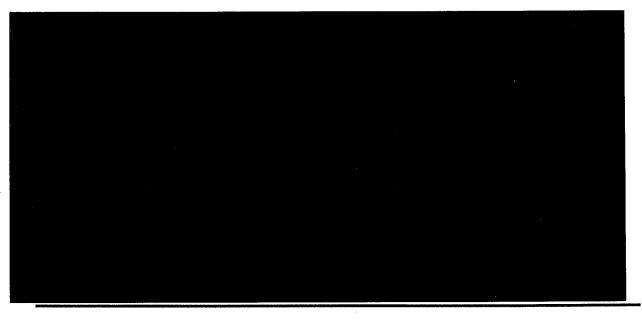
(Did he tell you what that looked like for him? Or did you ask him if he was going to commit suicide how would he do it?) When it comes to situations like that I try not to ask a ton of questions. I figure people will share what they want to. Now looking back on it that may have been a cry for help that I missed.

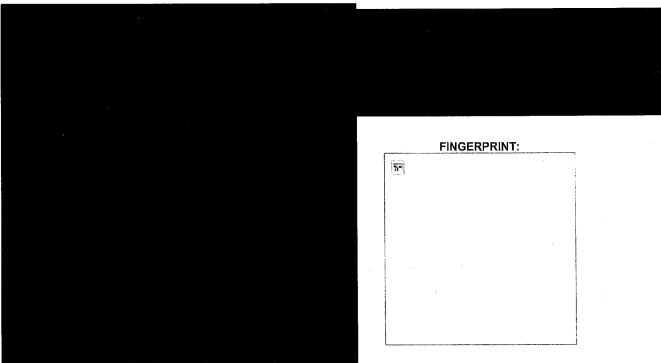
Investigator's Report Witness: Case #13-021594 and #13-021595 Page 3

> He was here for about an hour, hour and a half. I went to get something out of my room and he came up. He wanted to stay and said no. I went downstairs and he stayed for a while in my room. He came downstairs and he was fine with leaving and gave me a hug good bye.

I woke up on Saturday morning and realized my pills were gone. I had just filled the prescription on Thursday. Giacomo took me to the pharmacy and knew I had them. It was Klonopin, 2mg for anxiety and Restoril which is like an old school sleeping medication. My anti depression medication was left behind. My pharmacy is CMH (County Mental Health). I texted him called and asked for my pills back.		
I called and made a theft report with the police (13-021589).		
was unaware of any drug use by Giacomo other than alcohol or marijuana. reported she had never seen Giacomo with a gun or had any knowledge he had a gun. did tell me her friend, mentioned he knew Giaciomo had a gun and he helped him put it in his trunk safely.		
I concluded my interview with a state after about 40 minutes. The interview was recorded in its' entirety. This report is paraphrased, refer to recording for complete details.		

Reporting Detective	Jana BEARD	I.D.	4807	Homicide Team:	V
Approved by:	4754	Date of this report:	06-06-13	Time:	1500





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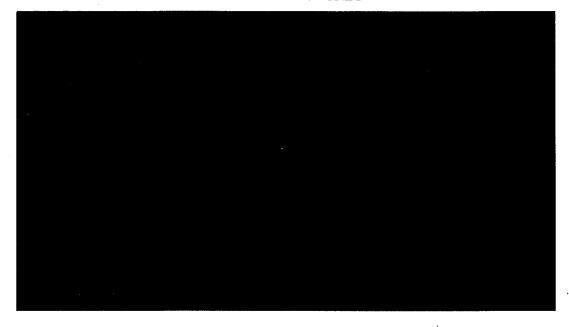
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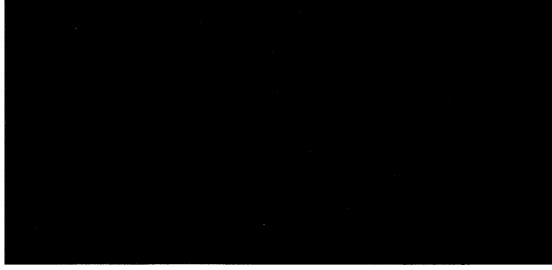
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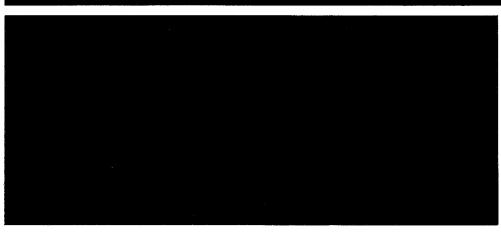
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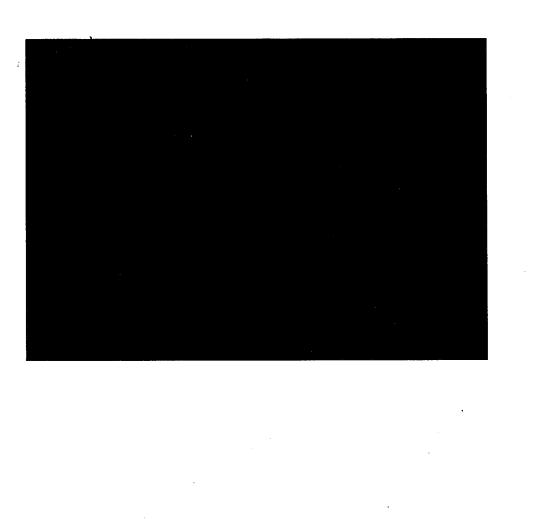
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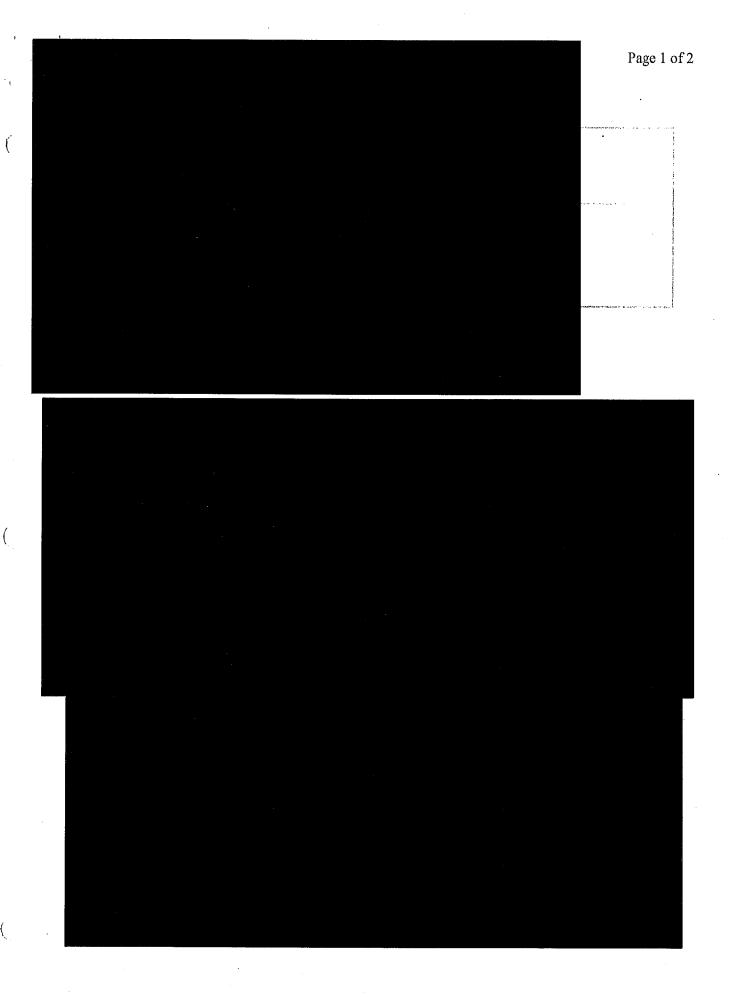
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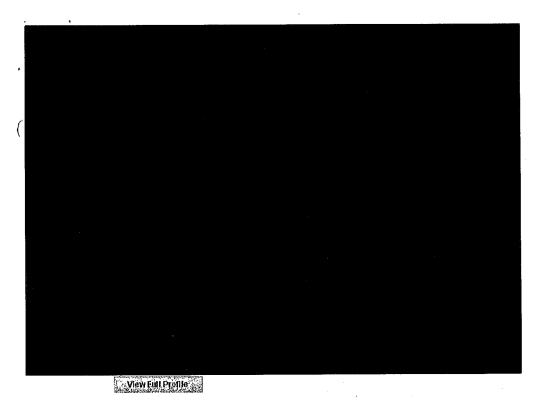






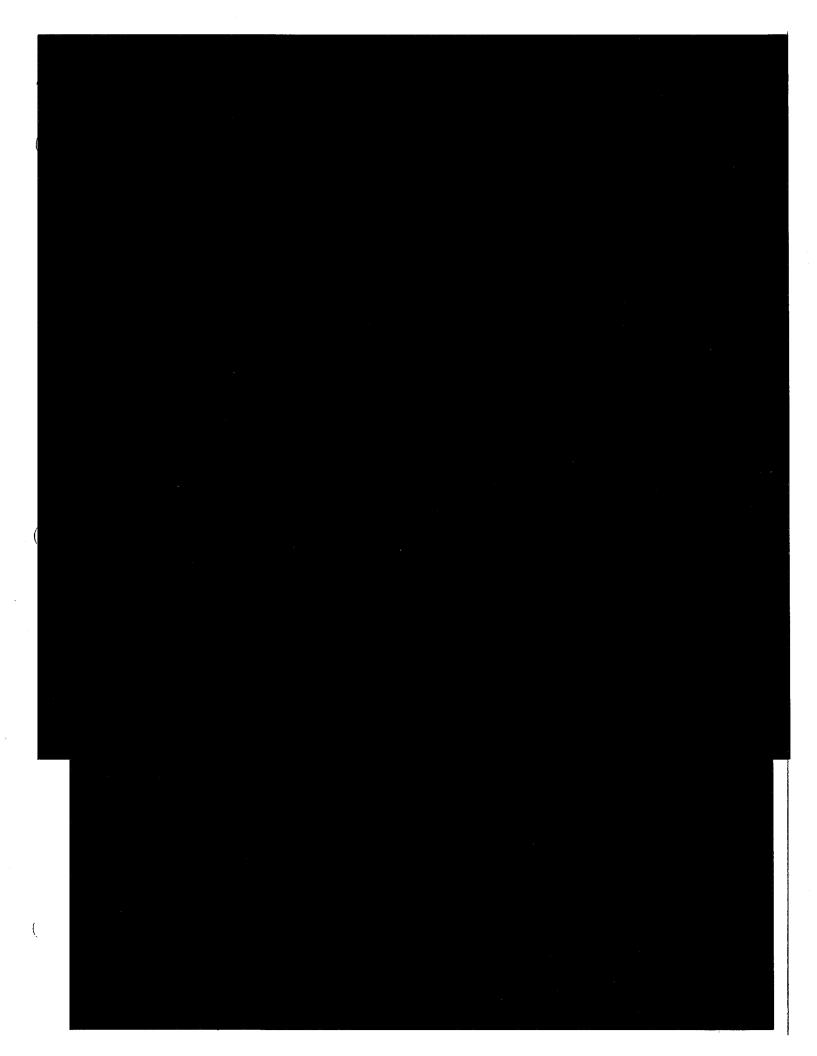


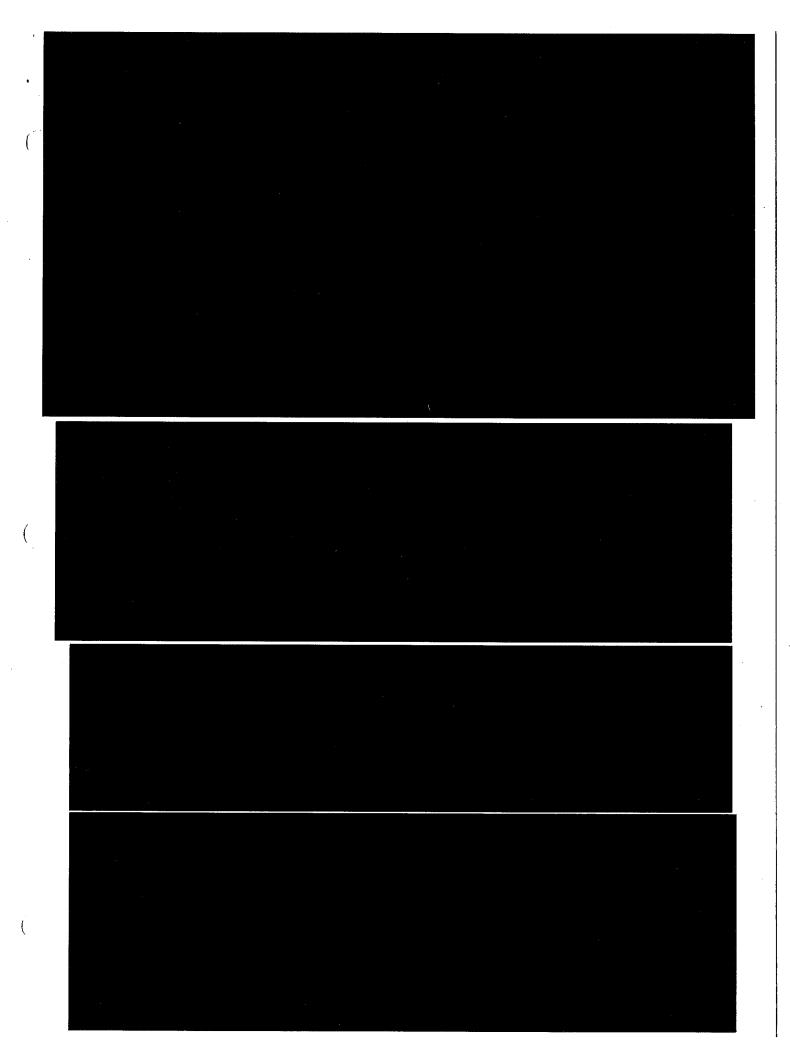


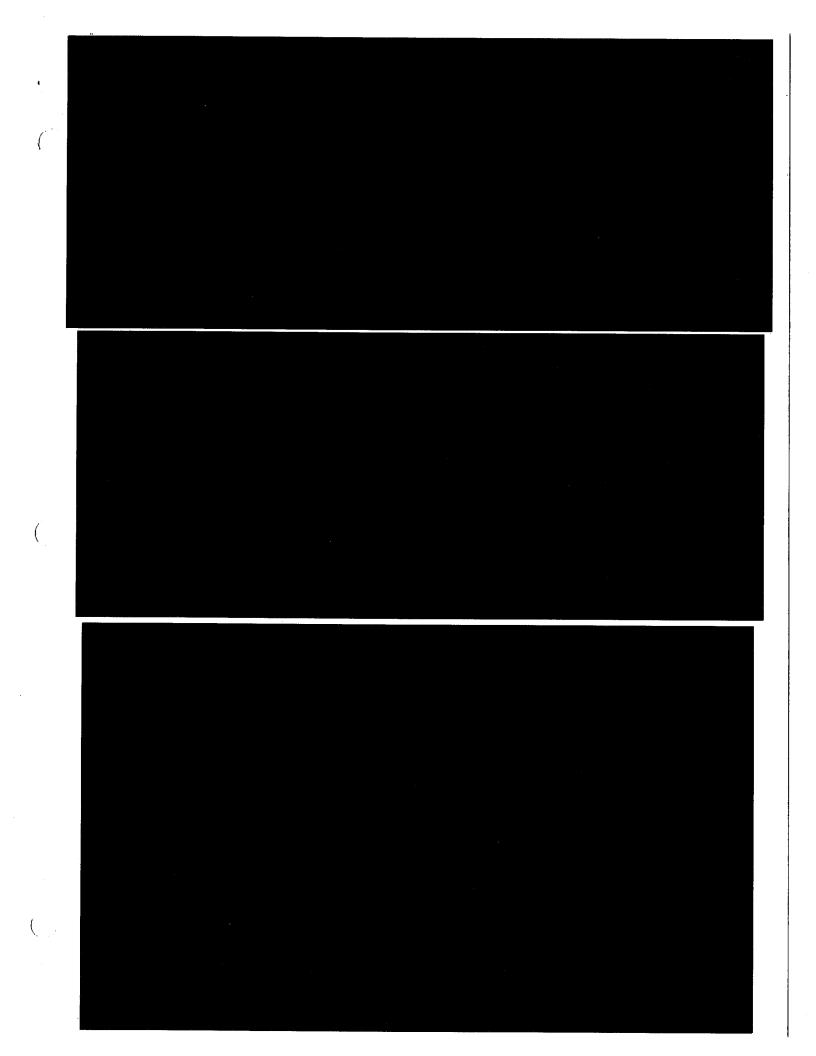


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